

NEW YORK STATE ASSEMBLY

Carl E. Heastie, Speaker
Jeffrey Dinowitz, Chair



2023 ANNUAL REPORT

COMMITTEE ON
CODES



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Committee on Codes

COMMITTEES
Ways and Means
Rules
Health
Election Law
Agriculture

JEFFREY DINOWITZ
Assemblyman 81st District
Bronx County
DinowitzJ@nyassembly.gov

December 15, 2023

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

Dear Speaker Heastie:

It is with great pleasure that on behalf of the Assembly Standing Committee on Codes, I submit to you the committee's 2023 Annual Report highlighting its activities during the legislative session.

In addition to our legislative responsibilities, the Committee worked closely with our partners in the Executive and Senate to make New York State safer through gun reform and reforming our bail laws.

This year, the Committee met 14 times and reported a total of 157 bills including:

- Protecting New Yorks Healthcare providers;
- Protects workers by adding wage theft to larceny;
- Legislation that updates New Yorks definition of rape with the historic Rape is Rape legislation;
- Added a definition of "mass shooting" for emergency measures and funding;
- Expanded the list of mandated reporters to include athletic trainers.

The Assembly can be justly proud of our legislative accomplishments which are further outlined in this report. I look forward to a productive 2024 legislative session.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey Dinowitz".

Jeffrey Dinowitz, Chair

**2023 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON CODES**

Jeffrey Dinowitz, Chair

MEMBERS OF THE STANDING COMMITTEE

Majority

J. Gary Pretlow
Vivian E. Cook
Daniel J. O'Donnell
Charles D. Lavine
David I. Weprin
Andrew Hevesi
Rebecca A. Seawright
Linda B. Rosenthal
Latrice Walker
Clyde Vanel
Catalina Cruz
Robert C. Carroll
Jo Anne Simon
Harvey Epstein

Minority

Angelo J. Morinello, Ranking Member
Michael Reilly
John K. Mikulin
Michael Tannousis
Brian Curran
Joe G. Angelino
Edward Flood

COMMITTEE STAFF

Sarah Klein, Assistant Secretary for Program and Policy
Robert McQueen, Associate Counsel
Jennifer Ashley, Associate Counsel
Laszlo Gendler, Analyst
Joann Butler, Executive Secretary
Christian Corrales, Legislative Director to the Chair and Committee Director

I. Committee Jurisdiction

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

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

II. Summary of Significant Legislation Reported by the Committee on Codes and Enacted in 2023

Reforming the Criminal Justice System

Allowing a “Clean Slate” for convicted individuals. This law provides for the automatic sealing of certain misdemeanor and felony convictions following the passage of time. Having a criminal record impedes one's ability to obtain housing, secure work, and participate fully in modern society. This bill addresses the consequences that follow a criminal conviction by requiring the automatic sealing of certain criminal records. A.1029-C (Cruz) / S.7551-A (Myrie); Chapter 631 of the Laws of 2023.

Pro-Choice Protections and Safeguards

Protecting New York’s Healthcare Providers. This law provides additional protections for telehealth providers who preform legally protected health activities. Providers performing legally protected health activity while physically present in the state, regardless of patient location, are not to be subject to liability or extradition unless physically they are present in the demanding state. State or local government and employees may not cooperate or use resources for an out-of-state investigation of any legally protected health activity. Additionally, requires insurers to provide coverage for legally protected health activity, and to provide that the performance, recommendation, or provision of any legally protected health care activity will not constitute professional misconduct. A.1709-B (Reyes) / S.1066-B (Mayer); Chapter 138 of the Laws of 2023.

Gender-Affirming Care

Protects families seeking gender-affirming care. This law establishes protections for individuals receiving gender affirming care as well as for providers who perform gender affirming care within New York State. It also provides that New York will not enforce a law of another state that allows a child to be removed from their parent or guardian, based on allowing the child to received gender-affirming care. Nor will any court in this state admit or consider a finding of abuse by the parent or guardian. Additionally, the law prohibits state or local law enforcement from cooperating with an out-of-state agency regarding lawful gender-affirming care performed within New York. Lastly, the law prohibits court or county clerk from issuing a subpoena in connection with an out-of-state proceeding relating to gender-affirming care performed within New York. A.6046-B (Bronson) / S.2475-B (Hoylman-Sigal); Judiciary; Chapter 143 of the Laws of 2023.

Protecting Workers:

Prohibits employers from requesting access to personal electronic accounts. This law prohibits an employer from requesting or requiring that an employee or applicant disclose any username, password, or other means for accessing a personal account through specified electronic communications devices. A.836 (Dinowitz) / S.2518-A (Ramos); Labor; Chapter 367 of the Laws of 2023.

Adds wage theft to the crime of larceny. This law updates the definition of larceny to include wage theft. Wage theft is a form of worker exploitation, akin to labor trafficking and other violations of employees' rights. This would allow prosecutors to seek stronger penalties against employers who steal wages from workers. A.154-A (Cruz) / S.2832-A (Breslin); Chapter 353 of the Laws of 2023.

Guns and Firearms

Allows the Westchester County Board of Legislators to fix the fee to be charged for a license to carry or possess a pistol or revolver and to provide for the disposition of such fees. For decades, the license fees charged by Westchester County to carry or possess a pistol or revolver have been capped by state law at ten dollars. This is far below the cost incurred by the county to administer the licenses. Meanwhile, the city of New York and Nassau County have been allowed to fix a fee greater than the ten dollars state maximum. By granting Westchester County the same exception to the cap enjoyed by New York City and Nassau County, this legislation will assist Westchester County by allowing it to fix the license fee to an amount that covers the actual costs of administering the licenses. A.5092 (Otis) / S.4879 (Mayer); Chapter 429 of the Laws of 2023.

Protecting Victims

Prohibits the publication of “deep fake” intimate images of a person without the depicted person’s consent. This law updates the misdemeanor crime of the unlawful dissemination or publication of intimate images to capture content created by digitization, commonly known as deep fakes, when such images or sexually explicit depictions of an individual are disseminated without the consent of the depicted individual. A.3596-A (Paulin) / S.1042-A (Hinchey); Chapter 513 of the Laws of 2023.

Clarifies Statutes Related to Rape: “Rape Is Rape”. This bill denominates that forcible sexual acts involving oral or anal contact with a reproductive organ is “rape”. While this conduct has already been punishable as a “criminal sexual act” to the same degree

as similar rape charges, historically such acts have not been labeled as a rape. By consolidating the criminal sexual act statutes with their corresponding rape statutes, this bill recognizes and acknowledges all survivors of rape; sending a clear message that “Rape Is Rape” whether it occurs vaginally, orally, or anally. Additionally, this bill eliminates a requirement of proof of penetration for the prosecution of a rape. A.3340 (Cruz) / S.3161 (Hoylman-Sigal); Chapter 777 of the Laws of 2023.

Miscellaneous Legislation:

Makes important technical corrections regarding the unlawful possession and sale of cannabis. This law makes a technical correction regarding motions to resentence, for certain marijuana related offenses, to allow people to apply for vacatur or a sentence reduction in the cases in which their original conviction was a lesser offense. A.4618-B (Peoples-Stokes) / S.7505 (Bailey); Chapter 468 of the Laws of 2023.

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. This law permits all licensed health care practitioners to serve or file an affirmation, affirming under the penalties of perjury, instead of an affidavit, in a civil proceeding. A.6065 (Dinowitz) / S.2997 (Rivera); Chapter 585 of the Laws of 2023.

Increases penalties for aggravated unlicensed operation of a motor vehicle. This bill expands the class E felony crime of aggravated unlicensed operation of a motor vehicle in the first degree to include offenses where a person commits the offense of aggravated unlicensed operation of a motor vehicle in the third degree while such person has five or more suspensions or revocations. Additionally, the legislation requires the DMV to send a written notice to someone who has four such suspensions to inform them that a fifth violation would subject them to being charged with the felony offense. A.3983 (Thiele) / S.4671 (Thomas); Transportation; Chapter 722 of the Laws of 2023.

Provides for the expungement of records in persons-in-need-of-supervision (“PINS”) cases in the Family Court. This bill establishes that records and statements made during a family court hearing cannot be used as evidence in any other court and requires the automatic expungement of records when a proceeding is terminated in favor of the respondent as well as upon the respondent’s twenty-first birthday. A.6544 (Hevesi) / S.7444 (Brisport); Children & Families; Chapter 691 of the Laws of 2023.

III. Summary of Significant Legislation Reported by the Committee on Codes in 2023 that Passed the Assembly

Reforming the Criminal Justice System

The Wrongful Conviction Act. This legislation would have addressed concerns raised by the New York Court of Appeals ruling in *People v. Tiger*, 32 N.Y.3d 91 (NY 2018) which held that “[w]here a defendant had been convicted by guilty plea, there was no actual innocence claim cognizable under” New York Law; and therefore, a hearing could not be held to review claims of actual innocence. This legislation would have allowed for post-conviction review of claims in cases that went to trial or whose case resolved in a plea. If there is evidence of a person's innocence, courts would have had a legal mechanism to review the case and vacate the conviction where appropriate. A.2878-A (Aubry) / S.7548 (Myrie); Vetoed Memo. 148.

Nonreligious court mandated treatment. This bill would have established a clear process by which the court would ascertain whether a defendant – mandated to attend a substance use treatment program – would have had an objection to any religious element of such a program; and would have required the court to identify an alternative nonreligious option. A.5074 (Epstein) / S.5332 (Harckham); Vetoed Memo. 53

Notice of automatic deportation. Under federal law, legal immigrants and residents may be subject to automatic deportation, if they are found (or plea) guilty to an offense, including otherwise minor violations. Unfortunately, defendants too often plead guilty to a minor infraction without ever being made aware of the repercussions to their immigration status. This legislation would have required the courts to notify a defendant that pleading guilty may subject them to automatic deportation or denial of naturalization. A.3057 (Cruz) / S.5826 (Kavanagh); Vetoed Memo. 117.

Protecting Consumers

Notice of mandatory arbitration clauses. Mandatory arbitration clauses can take away the right of an ordinary consumer to dispute a claim in a court of law; instead, moving any dispute with the business to an arbitration proceeding. Many of these mandatory arbitration clauses are buried within the fine print of the contract, and often go unnoticed by the average consumer. This legislation would require that when a company issues a contract to a consumer for signature – containing an arbitration clause – such a clause must be written in large print format. A.2080 (Dinowitz) / S.687 (Comrie); Consumer Affairs and Protection; Passed Assembly.

Miscellaneous Legislation

Prohibits the use of lead ammunition when hunting on state-owned lands. This bill would prohibit the use of lead ammunition in the taking of wildlife on state-owned land as well as lands contributing surface water to the watershed that constitute the City of New York's water supply. Although lead has been taken out of many products over the past decades, most notably in paint and gasoline, lead remains the most common material used for hunting ammunition. Prohibiting the use of ammunition made from lead in state-owned land where hunting is allowed will further diminish the dangerous presence of lead in humans and wildlife alike. A.2084-A (Glick) / S.4976-A (Harckham); Environmental Conservation; Passed Assembly.

IV. Codes Budget Highlights from State Fiscal Year 2023-24

A. Fiscal Highlights

The Assembly restored funding for the following programs:

- \$4.2 million in Legal Services Assistance Fund (LSAF) support as follows:
 - \$2.83 million for civil and criminal legal services grants; and
 - \$1.37 million for various legal and domestic violence grants
- \$609,000 in domestic violence related civil and criminal legal services support;
- \$600,000 for immigrant legal services;
- \$400,000 for Neighborhood Legal Services;
- \$300,000 for Byrne Justice Assistance Grant legislative allocations; and
- \$147,000 for rape crisis centers.

In addition to restoring funding for existing programs, the Assembly provided an additional funding to support criminal justice programs, including:

- \$2.1 million for the New York State Defenders Association for a total of \$3.1 million;
- \$3.1 million for Prisoners' Legal Services, bringing total funding to \$5.3 million; and
- \$3.3 million to support criminal justice programs, including re-entry programs, community dispute resolution centers, community-based organizations, transitional housing, civil or criminal legal services, and crime prevention program.

The Legislature also provided:

- An additional \$80 million to support the implementation of criminal justice discovery reforms, bringing total funding to \$120 million;
- An additional \$40 million in funding for Aid to Defense;
- \$3.5 million for services and expenses of criminal and/or civil legal services in counties outside of the City of New York;
- A new \$10 million for services and expenses of local and state law enforcement associated with enforcing and investigating extreme risk protection orders (ERPO);
- \$1.5 million for services and expenses of gun violence prevention, street outreach, anti-violence shooting/violence reduction programs managed by local governments and/or community based non-for-profits service providers;
- \$7.2 million for services and expenses of community safety and restorative justice programs;
- \$750,000 for the cost of conducting a study on Missing Black, Indigenous, and People of Color Women and Girls;

\$50 million in capital funding for equipment, services, expenses, and grants related to the acquisition and development of technology to support discovery, including but not limited to, equipment, software, hardware, and consulting services.

B. Article VII Highlights

The 2023-24 SFY enacted budget included Article VII language to:

- Extend for two years various criminal justice and public safety programs.
- Gun Reform
 - Makes various amendments to the Concealed Carry Improvement Act.
 - Creates an exception to the prohibition on carry firearms, rifles, or shotguns in a sensitive location for those who are designated/responsible for security at places of religious worship.
 - Amends the sensitive location reference from any establishment ever “issued” a State Liquor Authority license for on-site consumption (e.g. bars and restaurants) to only include those establishments “holding an active” SLA license.
 - Creates exceptions for “sensitive locations” with regards to certain “qualified law enforcement officers”; hunting activities, education, training, etc.; historical re-enactments, motion pictures, or theatrical productions; museums or historical sites; military ceremonies, funerals, and honor guards; biathlons; and carves-out the Adirondack Park and the Catskill Park from the definition of a public park.
 - Creates similar exceptions for “restricted locations” (private property where you need permission to carry unless exempt) list with regards to “qualified law enforcement officers”; hunting activities, education, training, etc.
 - Amends the safe storage provisions to exempt all: (1) state police officers; (2) qualified law enforcement officers authorized to carry pursuant to Federal Law; (3) persons in active military service (while acting in the scope of their military duties).
 - Amends the provisions related to both the unlawful purchase and sale of body armor to create two degrees of the crimes, while limiting the lookback period to 10 years for the second/ subsequent offense.
 - Amends the provisions related to the criminal purchase of a semiautomatic rifle to create two degrees of crime, while limiting the lookback period to 10 years for the second/subsequent offense.
 - Amends the provisions related to criminal sale of a semiautomatic rifle to exempt: (1) police officers; (2) peace officers (except those who are not authorized to carry unless the appropriate license to do so has been

issued); (3) persons in the military service acting within the scope of their official duties; (4) dealers in firearms.

- Bail
 - Removes language instructing judges to apply the “least restrictive conditions” and replaces it with conditions that “reflect the findings of the individualized determination warranting such imposition of non-monetary conditions to” reasonably assure the principal’s return to court and compliance with court conditions.
 - Amends provisions for reasonable pretrial supervision and mandatory programming, such as counseling and treatment, while clarifying that the court is not obligated to make a separate finding when imposing non-monetary conditions in combination with a securing order which is defined as an order committing a principal to custody, fixing bail, or releasing the principal under various conditions.
 - Instructs the court, when making an individualized determination to consider the available information about the principal, and in cases other than those specified, to release the principal on their own recognizance unless the court has determined, on the record, that release will not reasonably assure the principal's return to court, in which case non-monetary conditions should be imposed.
 - Allows a principal confined under a securing order to apply for recognizance, release under non-monetary conditions, bail, a reduction of bail, or imposition of non-monetary conditions in conjunction with bail or a reduction of bail. Grants the principal the opportunity to be heard, present evidence, and argue for the issuance of a specific order. When an application for a change in a securing order is made, the court shall impose a new securing order if the original order is no longer supported due to being dismissed or a reduction in charges.
 - Allows for additional conditions to be imposed for non-compliance of previous conditions of release. When determining additional conditions, the court may select conditions in accordance with subdivision three-a of section 500.10 of the CPL that reasonably assure the defendant's return to court; and the court must explain its determination on the record. With regards to electronic monitoring, the specific method must be court-approved, reflecting the findings of the individualized determination and be as unobtrusive as practicable.

V. Codes Committee Hearings in 2023

Data collection and reporting of criminal justice statistics and responsive solutions to emerging trends in New York

On Monday, January 30 in Albany, the Assembly Standing Committees on Codes, Corrections, and Judiciary held a joint hearing to seek input from various stakeholders to further examine recent data regarding crime statistics and ways to improve data collection.

The Assembly Majority has championed legislation and enacted laws designed to improve data collection and reporting regarding criminal justice statistics. However, data that lacks context is unhelpful in understanding what the information and trends within the data actually mean. The purpose of this hearing was to better understand recent statistics regarding the criminal justice system. The hearing examined what additional information may be needed to inform this understanding, and how the Legislature can use this information to expand or implement responsive solutions to emerging trends in crime statistics in a more effective manner.

The Committee heard testimony from the New York State Division of Criminal Justice Services, Office of Court Administration, New York City Mayor's Office of Criminal Justice, City of New York Police Department, District Attorney's Association of the State of New York, New York State Association of Criminal Defense Lawyers, New York State Defenders Association, the Data Collaborative for Justice at John Jay College of Criminal Justice, FWD.us, and the Vera Institute of Justice. Additionally, the Committee received written testimony submitted by other groups, as well as private citizens.

Examining the current scope of assistance, services, and protections available to victims of human trafficking in New York State

On Thursday, November 30 in Manhattan, the Assembly Standing Committees on Codes and Social Services and the Subcommittee on Human Trafficking held a joint hearing to seek input from various stakeholders to examine the current scope of assistance services and protections available to victims of human trafficking in the State of New York.

In 2021, the National Human Trafficking Hotline reported that there were 404 identified cases of human trafficking in New York State and more than 1,600 contacts were made to the hotline from New York. Since 2021, significant legislation has been enacted to strengthen protections for victims of human trafficking, including: permitting victims of human trafficking to bring a civil action against their perpetrator to recover damages, attorneys' fees, and/or other appropriate relief and extending the statute of limitations

on such actions from ten to fifteen years; allowing victims of human trafficking to bring a motion to vacate any criminal conviction where such offense was a result of having been a victim of human trafficking, and providing additional confidentiality to victims during such process; and requiring law enforcement and district attorney's offices to advise human trafficking victims of available social and legal services.

The Committees heard testimony from the Brooklyn District Attorney's Office, the Manhattan District Attorney's Office, The Legal Aid Society, Salvation Army, survivors of human trafficking, Safe Horizon, amongst other advocacy groups. Witnesses discussed the limitations of the five-year statute of limitations in law for human trafficking victims, as investigations take time and some victims don't realize they are being trafficked until later. Witnesses highlighted programs such as local know your rights events, counseling, housing, and immigration relief as beneficial social programs. Witnesses discussed the need for trauma informed social service providers, expanding access to emergency shelters, and preventing the criminalization of victims.

Appendix A: 2023 Codes Committee Workload Summary

<u>Final Action</u>	<u>Assembly Bills</u>	<u>Senate Bills</u>	<u>Total</u>
Bills Reported with or without Amendment			
To Floor; Not Returning to Committee	48	0	48
To Ways and Means	25	0	25
To Rules	84	0	84
Total	157	0	157
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Bills Never Reported	675	4	679
Bills Held for Consideration	36	0	36
Bills Defeated	0	0	0
Bills Having Enacting Clauses Stricken	8	0	8
Total Bills Remaining in Committee	675	4	679
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Total Number of Committee Meetings Held: 14

Appendix B: Codes Laws of 2023

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.154-A	353	Cruz	Allows prosecutors to seek stronger penalties against employers who steal wages from workers.
A.501	656	Rozic	Extends the statute of limitations for claims resulting from unlawful discriminatory practices from one year to three years.
A.975	30	Buttenschon	Expands the unlawful dissemination of a personal image to includes images or videos of individuals who have been a victim of a crime from being published on social media platforms which further degrade or cause additional harm to the victim and their families.
A.976	31	Paulin	Clarifies that the sexual assault kit tracking system will apply to kits that have been turned over to law enforcement, and not duplicate existing efforts on tracking done by OVS for kits not in the custody of law enforcement.
A.1005	101	Lavine	Provides protections against the extradition of healthcare providers, by prohibiting courts and law enforcement from cooperating with another state's anti-choice investigations regarding lawfully occurring abortions.
A.1029-C	631	Cruz	"Clean Slate" provides for the automatic sealing of certain misdemeanor and felony conviction following the passage of time.
A.1322	61	Bichotte Hermelyn	With regards to crimes involving the death or serious physical injury of an employee, clarifies that the corporation acted negligently, recklessly, intentionally, or

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
			knowingly; while also expanding whom is considered an "employee" for the purposes of this section.
A.1709-B	138	Reyes	Provides additional protections against liability or extradition for telehealth providers who preform legally protected health activities while physically present in the state, regardless of patient's location.
A.3340	777	Cruz	"Rape is Rape". Amends the penal law rape statute to eliminate a requirement of proof of penetration; and denominates that rape includes forcible sexual acts involving oral or anal contact with a reproductive organ.
A.3596-A	513	Paulin	Prohibits unlawful dissemination or publication of "deep fake" intimate images of or sexually explicit depictions of an individual created by digitization.
A.4618-B	468	Peoples-Stokes	Makes a technical amendment to correct a cross reference in the criminal procedure law regarding motions to resentence in certain marijuana related offenses.
A.4994	387	Blankenbush	Permits the electronic appearance of a defendant in the county of Jefferson.
A.5092	429	Otis	Allows the Westchester County Board of Legislators to fix the fee that is charged for a license to carry or possess a pistol or revolver and to provide for the disposition of such fees.
A.5288	426	Hawley	Permits the electronic appearance of a defendant in the county of Orleans.
A.5791-A	709	Chandler-Waterman	Defines the term "mass shooting" for purposes of emergency response measures and access to emergency funding.

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.6065	585	Dinowitz	Permits health care practitioners to serve or file an affirmation, affirming under the penalties of perjury, in lieu of an affidavit in civil judicial proceedings.

Appendix C: Dual Referenced Laws of 2023

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.219-A	733	Solages	Adds athletic trainers to the list of mandatory reporters, persons and officials, required to report cases of suspected child abuse or maltreatment.
A.372-A	682	Bronson	Prohibits a long-term care facility or its staff from discriminating against any resident on the basis of such resident's actual or perceived sexual orientation, gender identity or expression, or HIV status.
A.836	367	Dinowitz	Prohibits an employer from requesting, requiring, or coercing an employee or applicant to disclose any means for accessing an electronic personal account.
A.928	476	Jacobson	Relates to requiring electors to vote for the presidential and vice-presidential candidate who was nominated by the political party that nominated the presidential elector.
A.967	96	McDonald	Relates to notice of certain proceedings to convey title to abandoned commercial and industrial real property to a city, town, or village; for violations that have the potential to injury or endanger the health and safety of others, or to unreasonably annoy others.
A.969	26	Burdick	Amends the additional amount of damages recoverable in a cause of action for unlawful interference with protected rights to be up to three times the amount of the compensatory damage.
A.970	27	Gunther	Requires health care employers to make a good faith effort to meet staffing needs before using mandatory overtime which must be reported to the Department of

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
			Labor; establishes penalties for failure to do so.
A.984	84	Magnarelli	Clarifies provisions related to a registration system for contractors and subcontractors engaged in public work and covered projects along with the required notice and opportunity to cure or be heard prior to making a final determination.
A.994	111	Fahy	Prohibits the use of perfluoroalkyl and polyfluoroalkyl substances in clothing apparel and outdoor apparel, and the sale of such items.
A.1000	43	Joyner	Establishes the warehouse worker protection act which creates a rebuttable presumption of unlawful retaliation if an employer in any manner discriminates, retaliates, or takes any adverse action against any employee within ninety days of the employee initiating a request or making a complaint with regards to the quota and possible violations of it.
A.1002	75	Rosenthal L.	Requires food service establishments to display a food-allergy awareness notice in staff areas and requires a food allergy notice on food menus (including internet-based food delivery service menus).
A.1153-A	540	Vanel	Prohibits licensed mortgage brokers from doing business with unlicensed mortgage brokers; and requires prompt notification to the department of unlicensed broker operations.
A.1256-A	761	Zebrowski	Require children's non-regulated camps to register annually with the Department of State; otherwise, a knowing violation will result in a civil penalty.

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.1707-A	738	Rosenthal D.	Requires certain manufacturers of prescription drugs to notify the drug utilization review board of the proposed increase of the wholesale acquisition cost of such prescription drugs.
A.1722-B	648	Zinerman	Requires proposed amendment to the constitution or other question provided by law to be submitted to a statewide vote be submitted to the people for their approval in plain language.
A.2078	775	Stern	Establishes standards for the prompt investigation and settlement of claims arising from states of emergency.
A.2206	82	Rivera	Provides technical amendments to the carpet collection program, adding additional time for DEC and businesses to come into compliance.
A.2672-B	723	Paulin	Allows a business to have a two-tier pricing system where they clearly post the credit card price, inclusive of any surcharge, alongside the cash price.
A.2917	762	Glick	Makes it unlawful to organize/participate in any contest, competition, tournament, or derby where the objective is to take or hunt wildlife for prizes, other inducements, or entertainment; with limited exceptions.
A.3484-A	772	Gallagher	Require the disclosure of beneficial ownership of a limited liability company, which will be required to file a beneficial ownership disclosure with the department of state, identifying each beneficial owner.
A.3552-A	724	Pretlow	Expands coverage concerning the unlawful sale of disabled horses to include all animals in the Equidae Family (e.g. horse, donkeys, mules, zebras, etc.).

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.3983	722	Thiele	Establishes that a person is guilty of the crime of aggravated unlicensed operation of a motor vehicle in the first degree when such person knows or should know that they have five or more suspensions or revocations in effect.
A.4023-A	731	Rozic	Requires those engaged in a sales transaction, who accept electronic benefit transfer cards, to post a sign at each point of sale with a notice warning about skimming (obtaining personal information) and steps a customer may take to protect themselves against and report suspected incidents.
A.4282-B	741	Paulin	Provides that certain local elections held outside of New York City shall be in an even-numbered year.
A.4456	365	Bores	Raises the maximum fine for persons who violate the law regulating telemarketing to twenty thousand dollars.
A.5010-A	551	Lavine	Expands the prohibition of corporal punishment to include private schools.
A.5109-A	726	Glick	Prohibits the slaughter of horses for human or animal consumption.
A.5610-D	558	Rozic	Prohibits the sale of over-the-counter diet pills and dietary supplements for weight loss or muscle building to anyone under the age of eighteen.
A.5639	707	Magnarelli	Requires certain trains and locomotives to have a crew size of not less than two persons.
A.5994-B	566	Darling	Prohibits a manufacturer/distributor of electronic cigarettes from marketing or selling any item (other than the e-cigs

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
			themselves) or service, which bears the brand name, logo, symbol, motto, or any other indicia of product for any brand of electronic cigarettes.
A.6040	678	Bronson	Creates the "freelance isn't free act" that would establish protections for freelance workers and requirements for hiring parties.
A.6046-B	143	Bronson	Establishes protections for individuals receiving gender affirming care as well as for providers who perform gender affirming care within New York State.
A.6216-B	760	Rosenthal L.	Establishes the legal regulated rent for the combination of two or more vacant apartments; defines the scope of the fraud exception to the pre-HSTPA four-year rule for calculating rents; and penalties for the failure of owners to file rent registration statements.
A.6291-A	745	Burdick	Creates standards for establishing and maintaining an emergency evacuation plan for individuals with disabilities in a high-rise buildings.
A.6544	691	Hevesi	Allows for the expungement of records in juvenile delinquency cases in Family Court to track expungement of records under the Criminal Procedure Law.
A.6545	402	Davila	Requires expiration dates for orders of protection under certain articles of the family court act to be plainly stated; and provides that a temporary order of protection in juvenile delinquency cases may remain in effect for an initial period of up to thirty days but may be extended by the court for good cause.

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.6604	354	Reyes	Protects employee freedom of speech & conscience by prohibiting employers from coercing employees into attending or participating in meetings sponsored by the employer concerning the employer's views on political or religious matters.
A.6656	630	Weinstein	Enhances protections for landowners and victims in relation to the theft of real property and allows a request to stay proceedings of eviction or enforcement of a judgement during the pendency of an investigation into theft or fraud relating to title or financing of real property.
A.6686	499	Magnarelli	Allows the city of Syracuse to adopt and amend local law to establish a demonstration program for failure to comply with a traffic-control indication.
A.6687-A	502	Magnarelli	Authorizes the city of Syracuse to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a school speed zone by means of photo devises.
A.6798	753	Lee	Prohibits the sale of sodium nitrate and sodium nitrite to any person under the age of twenty-one.
A.6833	572	Jean-Pierre	Allows a disciplinary proceeding against a real estate appraiser for violation of the human rights law committed in their official capacity which may result in revocation of a real estate license.
A.6843-A	698	Clark	Requires property owners to respond to surveys by municipalities to determine the vacancy rate.

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.6978	660	Wallace	Permits public utility workers to use a public business's toilet facilities while performing a utility related service on the premises during normal business hours.
A.7157	677	Pheffer Amato	Clarifies what employee information is to be provided to a labor union from public sector employers; and allows for injunctive relief for violations deemed improper employer practices.
A.7208	279	Levenberg	Clarifies that it is unlawful to discharge any radiological substance into the Hudson River in connection with the decommissioning of a nuclear power plant.
A.7356-A	344	Weprin	Imposes an annual group calculation filing requirement and liquidity stress test on New York domiciled insurers that underwrite policies in the U.K. and E.U.
A.7422	601	Barrett	Amends state law to comply with a federal program as it relates to the criminal and civil penalties associated with manufactured homes, to align permissible penalties with the amounts required by federal law.
A.7690	474	Heastie	Relates to the presidential primary, to provide for the election of delegates to a national party convention or a national party conference in 2024, and provisions regarding ballots and affirmations; repealer.

Appendix D: 2023 Codes Bills that Passed the Assembly

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.352	Bronson	Designates certain employees of the Monroe County sheriff's office serving as court security deputies at Monroe County court facilities as peace officers.
A.1715	Goodell	Designates the uniformed court officers of the town of Busti, as peace officers.
A.1880-A	Dinowitz	Clarifies that law enforcement agents and agencies are required to obtain a search warrant for the physical or electronic access to an electronic device and the information contained.
A.3749	Maher	Grants peace officer status to uniformed court officers in the town of Montgomery.
A.5014	Gray	Designates certain Ogdensburg Bridge and Port Authority security personnel as peace officers.
A.5334	Palmesano	Grants peace officer status to animal control officers of the county of Schuyler.
A.5371	Bendett	Designates peace officer status to the animal control officer in the town of Sand Lake.
A.5656	Levenberg	Designates uniformed court officers in the town of Ossining as peace officers.
A.6738	Tague	Permits electronic appearances, with court approval, certain defendants in a criminal action in Delaware, Otsego, or Schoharie counties.

Appendix E: 2023 Dual Referenced Bills that Passed the Assembly

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.128	Solages	Prohibits virginity examinations which are physical examinations purporting to determine whether an individual has previously had vaginal intercourse.
A.325	Paulin	Prohibits the sale of infant walkers and restricting the use of such infant walkers in certain childcare facilities.
A.517	Rosenthal L.	Creates a privacy right to electronic toll and electronic fare records; such records are not subject to FOIL or process or discovery in criminal or civil proceedings without a search warrant or court order.
A.856	Dinowitz	Prohibits employers from requiring certain conditions or preconditions of employment.
A.1287	Paulin	Prohibits the sale of infant loungers and restricts the use of such infant loungers in certain childcare facilities.
A.1687	Rivera	Prohibits insurers from excluding coverage to rental owners for losses due to exposure to lead based paint.
A.1731	Dinowitz	Restricts insurers from demanding intrusive personal, financial, and tax information from insureds as a standard practice in ordinary theft claims.
A.1838-A	Kim	Requires the display of charter bus driver qualifications prominently while they are on duty.
A.2080	Dinowitz	Requires mandatory arbitration clauses found in consumer contracts to be in a large print format.
A.2084-A	Glick	Prohibits the use of lead ammunition when hunting on state-owned lands and lands contributing to the New York City watershed.

A.2477	Bronson	Allows a municipality to enact a local ordinance/regulation requiring an alarm system company to pay for or be responsible for any fines, fees or other penalties relative to false alarms.
A.2546	Colton	Clarifies that a parking ticket on which required information is omitted, inaccurately described, or is illegible shall be dismissed by the court.
A.3226	Glick	Enacts the birds and bees protection act which prohibits the sale of certain pesticides or use of seeds coated with such pesticides.
A.3798	Rosenthal L.	Authorizes emergency medical care personnel to provide basic first aid to dogs and cats.
A.3986	Fahy	Allows for the operation of bicycles at stop signs or traffic signals; giving cyclists greater flexibility at stop signs and stop lights thereby enhancing road safety for both cyclists and drivers.
A.4620	Alvarez	Require retailers to offer a raincheck, upon request to a customer who wished to purchaser an article of merchandise advertised for sale, when the retailer does not have such article available throughout the advertised period.
A.4820	Rivera	Requires the disclosure of lead-based paint test reports in real estate transactions.
A.4955-B	Thiele	Establish rules and regulations for the operation of lease-hold retirement communities to provide adequate housing for senior citizens wishing to retire and locate in a lease-hold retirement community.
A.5468-A	Gunther	Requires those that provide the operation of voice recognition featured devises to prominently inform the initial user that the device may be recording the user and that the entity that makes the device may be retaining these recordings; while also prohibiting

the use or sale of these recordings for any advertising purposes.

A.6506-A	Tapia	Prohibits the sale of xylazine to persons under the age of 21 and without proof of the intended use for institutional, veterinary, or scientific purposes.
A.6541	Kelles	Waives the State's sovereign immunity liability for violations of the Americans with Disability Act, Fair Labor Standards Act, Age Discrimination in Employment Act, and Family and Medical Leave Act.
A.6549	Rajkumar	Requires used car dealers to make a good faith effort to determine whether a vehicle has a recall; if so, the dealer would be required to make the needed repairs prior to its sale.
A.7348	Dickens	Clarifies the impact that accepting or consenting to allegations of abuse or maltreatment may have on future employment or volunteer positions involving regular or substantial interaction with children or to become a foster or adoptive parent.

Appendix F: 2023 Codes Bills Vetoed by the Governor

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.129	Cruz	Requires allegations and/or supporting statements by someone who is not English proficient to be accurately translated into the persons primary language along with verification and affidavit by the interpreter.
A.152	Cruz	Facilitates appellate review of rulings that implicate issues of public concern by requiring the court to review a denial of a motion to suppress evidence on appeal.
A.2878-A	Aubry	Provides people previously convicted of crimes the opportunity for meaningful review to ensure redress for wrongful convictions, including in cases where the person pled guilty.
A.3057	Cruz	Requires a court to notify a defendant who is pleading guilty to a misdemeanor or violation that if they are not a U.S. citizen, the plea may result in deportation proceedings and denial of naturalization, exclusion from the United States, or deportation.
A.4721	Solages	Prohibits a court from denying class certification solely because the action involves governmental operations.
A.4899	Dinowitz	Authorizes the chief administrator of the courts to provide at least three hours of mandatory annual training regarding bail, recognizance, and commitment procedures as well as the standards for all judges exercising preliminary jurisdiction over any offense.
A.5074	Epstein	Establishes a process by which the court inquires on the record whether a defendant ordered to attend an alcohol or substance use treatment program, has an objection to any religious element of that program; and if so, then the court shall approve an equivalent program to which the defendant has no religious objection.

A.7760

Walker

Relates to public campaign financing; repealer.

Appendix G: 2023 Dual Referenced Bills Vetoed by the Governor

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.1278-B	Joyner	Prohibits non-compete agreements and certain restrictive covenants and authorizes a covered individuals to bring a civil action against any employer or persons alleged to have violated such prohibition.
A.3748-A	Pheffer Amato	Provides that non New York State public employees have disciplinary proceedings held by an independent hearing officer.
A.5286-A	Epstein	Creates a private education debt registry to give financial policymakers and consumers a full and accurate view of the state of student debt in New York.
A.5949	Burdick	Allows a local government that has implemented a freshwater wetlands protection law, to adopt a local law or ordinance to prohibit the application of pesticides to the wetlands it regulates.
A.6698	Weinstein	Expands upon the persons for whose benefit a wrongful death action may be brought by; and increases the statute of limitations for wrongful death actions from two to three years.