

NEW YORK STATE ASSEMBLY

2022

Committee On Codes

Carl E. Heastie • Speaker
Jeffrey Dinowitz • Chair



ANNUAL REPORT

**2022 ANNUAL REPORT
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON CODES**

Jeffrey Dinowitz, Chair

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I. Committee Jurisdiction

The New York State Assembly Standing Committee on Codes considers issues and legislation regarding the State's criminal and civil justice system. 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 2022¹

Guns and Firearms

Strengthens New York’s Red Flag Law. Amends the Civil Practice Law and Rules, Executive Law, Penal Law and Mental Hygiene Law to expand the list of those who can file an Extreme Risk Protection Order (ERPO) to include health care professionals who have examined the individual within the last six months. Requires police and district attorneys to file ERPO petitions upon credible information that an individual is likely to engage in conduct that would result in serious harm to themselves or others, and possesses or has access to firearms. Clarifies that when an individual has been reported by a treating health or mental health practitioner and a county mental health commissioner has concurred with such practitioner, that the individual is likely to engage in conduct that would result in serious harm to themselves or others, such report must be considered when determining whether to issue a firearm license to the individual. Expands the list of mental health practitioners that can make such a report. A.10502 Rules (Cahill) / S.9113-A (Skoufis); Chapter 208

Requires the sharing of information on seized and recovered guns by law enforcement agencies. Amends the Executive Law and General Business Law to require all state and local law enforcement agencies in the state to report information on seized and recovered guns to the National Crime Information Center, the National Integrated Ballistic Information Network and the National Tracing Center of the Bureau of the Alcohol, Tobacco, Firearms and Explosives. Establishes security, training, and recordkeeping standards for retail gun dealers in the state and makes it a class A misdemeanor to violate these standards. A.1023-A (Paulin) / S.4970-A (Kavanagh); Chapter 207

Eliminates grandfathering of large capacity ammunition feeding devices. In New York, possession of large capacity ammunition feeding devices is illegal. Prior to the enactment of this law, however, the possession of large capacity ammunition feeding devices manufactured before 1994 or possessed prior to the enactment of the Safe Act in 2013 was permitted. This law eliminates the grandfathering of such devices. The

¹ Except where noted, legislation cited in this discussion originated in the Committee on Codes. Where such legislation did not so originate, but was dual referenced into the Committee on Codes from another committee and the Committee had substantial impact on such legislation, then the original committee of reference will appear with the bill number. All chapter numbers are chapters of the Laws of 2022. This information is according to the publication date of this report, December 15, 2022. For a complete list of bills that were reviewed by the Committee on Codes that were chaptered, see Appendices C and D.

existing class D felony under section 265.02 of the Penal Law will apply. A.10428-A Rules (Peoples-Stokes) / S.9229-A (Hoylman); Chapter 209

Expands the definition of “firearm.” Amends the Penal Law to include in the definition of “firearm” any other weapon that is not otherwise defined containing any component that provides housing or a structure designed to hold or integrate any fire control component that is designed to or may readily be converted to expel a projectile by action of explosive. A.10504 Rules (Burgos) / S.9456 (Sepulveda); Chapter 211

Microstamping-enable pistols. Amends the Penal Law and Executive Law to require the Division of Criminal Justice Services (DCJS) to certify whether microstamping-enabled pistols are technologically viable. If so, requires DCJS to establish programs and processes for implementing the technology. Creates the crime of unlawful sale of a non-microstamping-enabled firearm. Penalties range from a fine of \$500 and a discretionary suspension or revocation of dealer in firearms license to a class A misdemeanor and mandatory suspension or revocation of license. Makes it illegal to modify a microstamping-enable pistol or microstamping component with the intent to prevent the production of a microstamp. Penalties range from a class B misdemeanor to a class A misdemeanor. A.7926-A (Rosenthal, L) / S.4116-A (Hoylman); Chapter 205

Requires a license to purchase or take possession of a semiautomatic rifle. Amends the Penal Law to require a person be at least twenty-one years of age and obtain a license to purchase or take possession of a semiautomatic rifle. Requires such license to be recertified every five years. Makes it a crime to purchase or take possession of a semiautomatic rifle without first obtaining a license. Penalties range from a class A misdemeanor to a class E felony. Makes it a class E felony to sell a semiautomatic rifle to a person who does not possess a license. A.10503 Rules (Jackson) / S.9458 (Thomas); Chapter 212

Concealed Carry Improvement Act (CCIA). Amends the Penal Law, General Business Law, Executive Law, Civil Practice Law and Rules and State Finance Law to strengthen requirements for concealed carry permits, prohibits guns in sensitive and restricted locations, requires individuals with concealed carry permits to request a property owner’s consent to carry on their premises, enhances safe storage requirements, requires social media review ahead of certain gun purchases, and requires background checks on all ammunition purchases. Creates the crime of criminal possession of a weapon in a restricted location and makes it a class E felony. Creates the crime of

criminal possession of a firearm, rifle or shotgun in a sensitive location and makes it a class E felony. A.41001 Rules (Heastie) / S.51001 (Stewart-Cousins); Chapter 371

Calls upon Congress to reinstate the Federal Assault Weapons Ban of 1994. This Resolution calls upon Congress to reinstate the Federal Assault Weapons Ban of 1994. The ban prohibited the manufacture of certain semiautomatic firearms and large capacity magazines for use by civilians. Since the ban expired in 2004, these types of weapons have been used in mass shootings in the U.S., including in the horrific tragedies that occurred in Buffalo and Uvalde, Texas. K.1028 Rules (Wallace)

Enhancing Public Safety

Creates the crime of “threat of mass harm.” Amends the Penal Law to create the crime of “making a threat of mass harm” when an individual threatens to inflict or cause serious physical injury or death at a school, place of worship, business, government building or other place of assembly and makes it a class B misdemeanor. Creates the crime of “aggravated making a threat of mass harm” when a person makes the threat and takes overt action to further the threat, and makes it a class A misdemeanor. A.6716-A (Wallace) / S.89-B (Kaminsky); Chapter 206

Prohibits the purchase and sale of body armor. Amends the Penal Law to make it illegal to purchase and sell body armor to anyone not engaged in an eligible profession, which includes law enforcement and other professions designated by the Department of State. Requires the sale of body armor to be completed in person. Creates the crimes of unlawful purchase and unlawful sale of a body armor. Penalties range from a class A misdemeanor to a class E felony. A.10497 Rules (Jacobson) / S.9407-B (Kavanagh); Chapter 210

Enhances protections at children’s camps. Amends the General Business Law and Public Health Law to require children’s non-regulated camps to ascertain whether an employee or volunteer is listed on the state and national sex offender registries prior to the date an employee or volunteer begins work at such camp. Requires regulated camps to check whether an employee or volunteer is listed on the national sex offender registry in addition to the state registry prior to the date the employee or volunteer begins work at a camp. A.8136-B (Paulin) / S.3966-B (Reichlin-Melnick); Chapter 248; Health

Increases penalties for operating a vessel while intoxicated or under the influence of drugs when a child fifteen years or younger is on the vessel. This bill would amend the Navigation Law and Penal Law to make it a felony for an individual to operate a

vessel while intoxicated or under the influence of drugs when a child fifteen years or younger is on the vessel. It would include this new offense with in the current Penal Law crimes of vehicular assault in the first degree and vehicular manslaughter in the first degree. A.911-A (Jean-Pierre) / S.947-A (Gaughran); Passed both; Transportation.

Increases penalties for leaving the scene of an accident without reporting. Amends the Vehicle and Traffic Law to increase the fine for leaving the scene of a personal injury accident without reporting. Increases the minimum fine for a first violation to \$750, and the maximum fine for a repeat violation to \$3,000. A.3964 (Colton) / S.9163 (Gounardes); Chapter 497; Transportation

Creates the Task Force on Social Media and Violent Extremism. Amends the Executive Law, Part R of Chapter 55 of the Laws of 2020 and Civil Rights Law to create a Task Force on Social Media and Violent Extremism within the Office of the Attorney General to study and investigate the role of social media companies in promoting and facilitating violent extremism and domestic terrorism online. Requires Domestic Terrorism Task Force to submit its final report to the Attorney General. Includes conduct that would constitute harassment under section 240.25 of the Penal Law to the list of bias-related violence or intimidation that is subject to civil action under the law. Includes any person who aids or incites any such violence or intimidation. Authorizes the Attorney General to apply for an injunction to enjoin or restrain the conduct of any firm, partnership, association, or corporation under the law. Creates a \$5,000 civil penalty for each violation of § 79-n of the Civil Rights Law. A.10501 Rules (Meeks) / S.9465 (Bailey); Chapter 213

Protecting Victims

Requires criminal or family court judges issuing orders of protection, to inquire whether or not a defendant/respondent possesses a firearm. This law requires the court to inquire of the defendant or respondent as to the existence and location of any firearm, rifle or shotgun possessed by such defendant or respondent whenever a temporary order of protection is issued. A.8105-B (Clark) / S.6443-B (Mayer); Chapter 577.

Requires the court to order the search for and immediate seizure of certain firearms when a defendant willfully refuses to surrender such firearms. When a judge determines a person – who is subject to a protective order and has willfully refuses to surrender firearms in their possession – poses a danger of certain risk factors by the continued possession of a firearm; the court must order the defendant to surrender firearms in their possession. A.8102-A (Clark) / S.6363-A (Mayer); Chapter 576.

Prohibits discrimination based on status as a victim of domestic violence. This law broadens protection for victims of domestic violence by affirming their rights , in all other relevant provisions of the Human Rights law, including but not limited to: apprenticeship training programs; public accommodations; publicly-assisted housing; real estate professionals and educational institutions; private housing; volunteer fire companies; boycotting or blacklisting; credit; and internships. A.9601-B (Lucas) / S.8417-B (Persaud); Chapter 202; Governmental Operations.

Requires the release of individuals from utility, phone and television contracts in instances of domestic violence. Amends the Public Service and General Business Laws to authorize survivors of domestic violence to be removed from phone, cable and satellite TV contracts based upon their written attestation of eligibility as a victim of domestic violence. A.6207-B (Rosenthal L) / S.7157-A (Parker); Chapter 578; Corporations, Authorities and Commissions

Redefines Aggravated Sexual Abuse in the 3rd degree. This bill would amend the Penal Law to clarify that the insertion of a finger into the vagina, urethra, penis, rectum or anus of another person by forcible compulsion, when the other person is incapable of consent by reason of being physically helpless, is less than eleven years old or is less than thirteen years old and the actor is eighteen years old or older may be prosecuted in the same manner as when a foreign object is inserted. A.7079-C (Burdick) / S.9447 (Skoufis); Chapter 647

Protecting Workers:

Clarifies the prohibition of certain retaliatory action against unlawful discriminatory practices by employers. This clarifies that the release of these files because of the employee's filing of a complaint or cooperation with an investigation counts as retaliation and is hereby prohibited under the law (except where such release is necessary to comply with an investigation or an administrative or judicial proceeding). Additionally, the Attorney General may commence an action if, upon information or belief, he or she believes that an employer has violated or is about to violate these provisions. A.7101 (Gonzalez-Rojas) / S.5870 (Gounardes); Chapter 140; Governmental Operations.

Increases protections for transit agency or authority workers. This legislation adds additional transit worker support staff to an existing list of protected workers, whom an attack against is an assault in the second degree. A.10491 Rules (Cook) / S.9468 (Comrie); Chapter 233

Prohibits employers from punishing employees for lawful absences. This law clarifies that workers may not be subjected to discipline by employers for lawful absences. A.8092-B (Reyes) / S.1958-A (Kruger); Chapter 604; Labor

Protecting Consumers:

Authorizes the Attorney General, or any person adversely affected, to bring an action for violation of the prohibitions concerning unlawful selling practices. This legislation authorizes the attorney general to bring an action, to protect consumers whom are sent unsolicited goods and later billed with their only recourse being to send the goods back at their own expense. Recoverable damages include actual damages, and up to \$500 for each instance where goods were sent in violation, and additionally the court may award the costs of the action together with reasonable attorney's fees. A.1067 (Zebrowski) / S.8099 (Cleare); Passed both Houses; Consumer Affairs and Protection.

Prohibits property liens being entered or enforced against a debtor's primary residence in an action for medical debt when such action is brought by a hospital and healthcare professional. A.7363 (Gottfried) / S.6522-A (Rivera); Chapter 648

Protecting Animals

Prohibits the sale of dogs, cats and rabbits by retail pet shops. This law prohibits the sale of dogs, cats and rabbits by retail pet shops. Such shops can collaborate with approved entities for the purpose of adoption. A.4283 (Rosenthal, L.) / S.1130 (Gianaris); Chapter 681; Agriculture.

Prohibits the manufacture or sale of cosmetics tested on animals. This law prohibits the sale of cosmetic products tested on animals, and authorizes the Attorney General to bring an action to enjoin the continuance of any violations. Such violations may result in a civil penalty of not more than \$5,000 for the first violation, and not more than \$1,000 per day if the violation continues. A.5653-B (Rosenthal, L.) / S.4839-B (Biaggi); Chapter 682; Economic Development.

Provides for the regulation of Animal Shelters. This law requires all entities – shelters and rescues – to be licensed by the Department of Agriculture and Markets; and ensures that homeless companion animals will live in safe and humane conditions with proper cleaning, nourishment, and veterinary care. A.6246-C (Paulin) / S.6870-B (Addabbo); Chapter 683; Agriculture.

Combating Hate

Requires social media networks to provide and maintain mechanism for reporting hateful conduct on their platforms. This law requires that a social media network that conducts business in the state, shall provide and maintain a clear and easily accessible mechanism for individual users to report incidents of hateful conduct. A.7865-A (Fahy) / A.4511-A (Kaplan); Chapter 204; Science and Technology.

Protecting Women's Rights

Provides additional protection for abortion providers. This law creates a statutory exception for the extradition of abortion providers, prohibits police from making an arrest of someone who performs a lawful abortion within this state; and prohibits law enforcement from cooperating with anti-choice states' investigations regarding abortions that took place legally. Additionally, this law prohibits courts from cooperating with out-of-state civil and criminal cases that stem from abortions that took place legally within their borders. A.10372-A (Lavine) / S.9077-A (Krueger); Chapter 219

The FIRE HATE Act. This law provides a claim of action for the unlawful interference with protected rights to recover compensatory and punitive damages; that arises out of an action commenced in any court in the United States or any of its territories, involving the allegations against a person for accessing, providing, facilitating, or attempting to access, provide or facilitate medical care (related to reproductive and/or endocrine health). A.10094-A (Burdick) / S.9039-A (Biaggi); Chapter 218; Judiciary.

Ensuring Equity and Fairness

Prohibits discrimination based upon citizenship and immigration status. This bill would amend the Executive Law to make it unlawful in the state of New York to discriminate on the basis of citizenship or immigration status in housing, employment, credit, and places of public accommodation. A.6328-A (Cruz) / S.6586-A (Liu); Passed both Houses; Governmental Operations

Increases oversight of the immigration bond industry and curbs abusive practices. This bill would amend the Insurance Law to regulate for-profit immigration bond companies; prohibit such companies from imposing electronic surveillance; cap fees and charges on immigration bonds and require transparency in contracts and curb abusive practices. A.7770-C (Epstein) / S.7475-B (Bailey); Chapter 673; Insurance.

Miscellaneous Legislation:

Provides additional requirements for the maintenance of records for catalytic converters. This law requires salvage yards to maintain records of catalytic converters, as if they were a major component part of the automobile. The law also requires new motor vehicle dealers and qualified dealers to stock etching kits that are capable of etching a traceable serial number, which can be clearly seen, onto catalytic converters for new vehicles. A.1940-E (Buttenschon) / S.7271-B (Savino); Chapter 574.

Prohibits smoking in public parks. This legislation implements a statewide prohibition on smoking in public parks, including beaches, pools, boardwalks, marinas, playgrounds, recreations centers, and group camps. A.5061 (Dinowitz) / S.4142 (Stavisky); Chapter 378; Health.

Increases Penalties for Dumping Snow Onto Handicapped Parking Places. This legislation increases the fine for knowingly dumping, shoveling, or plowing snow onto a parking place for handicapped persons. The penalties include a fine of \$125 for the first offense, and up to \$250 for subsequent offense. However, localities may establish higher fines, provided they are not more than \$250 for a first offense, and \$450 for subsequent offenses. A.9702-B (Griffin) / S.1271-B (Brooks); Chapter 422; Transportation.

Expands the laws imposing fines for parking in handicapped parking places. This legislation authorizes local law enforcement to enforce illegal parking in handicapped spaces at shopping centers and facilities with less than five stores. A.9805 (Magnarelli) / S.8822 (Kennedy); Chapter 424; Transportation.

III. Summary of Significant Legislation Reported by the Committee on Codes in 2022 that Passed the Assembly²

Reforming the Criminal Justice System

Addressing wrongful convictions. This bill would provide individuals who were previously convicted of a crime with the opportunity for review to address wrongful convictions, even if the individual plead guilty by authorizing a post-conviction review of claims will be permitted in cases that went to trial or whose case resolved in a plea. If there is evidence of a person's innocence, courts will now have a legal mechanism to review the case and vacate the conviction where appropriate. A.98-A (Quart) / S.266-A (Myrie); Passed Assembly.

Establishes a process for the court to determine whether a defendant set to be mandated to attend a substance use treatment program has an objection to the religious element to that program. This legislation establishes a clear process by which the court would ascertain whether a defendant – mandated to attend a substance use treatment program – has an objection to any religious element of such a program; and requires the court to identify an alternative nonreligious option. A.8163-A (Epstein) / S.7313-A (Harckham); Passed both Houses.

Requires the courts to provide notice of a risk of deportation prior to accepting a plea. This legislation would require the courts to notify a defendant, that pleading guilty to a misdemeanor or violation, if they are not a United States Citizen, may subject them to automatic deportation or denial of naturalization. A.9877-A (Cruz) / S.2903-A (Kavanagh); Vetoed.

Relates to conditional releases and the use of voluntary and involuntary mental health assessments. This legislation would authorize the court to utilize available resourcing, including mobile crisis teams. When a person is before the court – if evidence is presented that the person may have a mental illness which is likely to result in serious harm to themselves or others – the court may issue an order or direct the person to go to an approved hospital or stabilization center where they may receive a

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diagnosis and treatment. A.10239-A Rules (Simon) / S.9429-A (Myrie); Passed Assembly.

Repeals certain provisions of law relating to the collection of an incarceration fee.

This bill would amend the Correction and Penal Laws to eliminate the collection of an incarceration fee. Under current law, DOCCS is permitted to collect an incarceration fee of up to \$1 per week from compensation paid to incarcerated individuals for work performed while incarcerated to offset the cost of incarceration. The statute authorizing this fee is set to expire 9/1/2023. This bill would accelerate the elimination of the fee. A.8215-A (Meeks) / S.5981-A (Myrie); Passed both Houses; Correction.

Protecting Victims

Clarifies Statutes Related to Rape. This bill would amend the Penal Law to remove the requirement of penetration from the definition of sexual intercourse for the purposes of the rape statutes, sections 130.25, 130.30, and 130.35 of the Penal Law. It would redefine rape to include sexual intercourse, oral sexual conduct, and anal sexual conduct, as opposed to a criminal sexual act. A.6319-A (Cruz) / S.1075-A (Hoylman); Passed Assembly

Expands eligibility to access victim compensation funds. This bill would amend the Executive Law to expand eligibility for victims and survivors of crime to access victim compensation funds by removing the mandatory law enforcement reporting requirement and providing alternative forms of evidence that would show that a qualifying crime was committed. A.8619-B (Meeks) / S/7573-A (Myrie); Passed Assembly; Governmental Operations

Protecting Workers

Assesses penalties when a nurse is required to work overtime. This bill would amend the Labor Law to assess an employer a civil penalty when it requires a nurse to work more than such nurse's regularly scheduled work hours. An employee would also be entitled to an additional fifteen percent of the overtime payment from the employer for each violation. A.286-A (Gunther) / S.1997-A (Jackson); Passed both Houses; Labor

Establishes a registration system for contractors and subcontractors engaged in public work. This bill would amend the Labor Law to establish a registration system for contractors and subcontractors engaged in public work and covered projects in order to better enforce existing labor laws and regulations in the public works industry. A.1338-C (Magnarelli) / S.5994-C (Ryan); Passed both Houses; Labor

Prohibits employers from requesting access to personal electronic accounts. This bill would amend the Labor Law to prohibit 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.1861-C (Dinowitz); Passed Assembly; Labor

Provides for the reinstatement of limitations on overtime for nurses. This bill would amend the Labor Law to reinstate the limitations on mandatory overtime for nurses at three consecutive days after a disaster or thirty consecutive days after a declared emergency. It would clarify that a staffing emergency does not include routine nurse staffing needs, and would provide for a civil penalty between one thousand and ten thousand dollars per violation when an employer requires a nurse to work more than their scheduled work hours. A.8874-B (Joyner) / S.8063-A (Ramos); Passed both Houses; Labor

Protecting Consumers

Requires businesses in contracts for goods and services that contain an arbitration clause to be displayed in large print. 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, which would be a printed font size of sixteen points or larger. A first violation would be subject to a civil penalty of not more than \$250, with subsequent offenses punishable by a civil penalty of not more than \$500. A.1865 (Dinowitz) / S.2747 (Comrie); Passed Assembly; Consumer Affairs and Protection.

The Toll Payer Protection Act. This legislation would establish a clear and fair process of notification of Tolls-by-Mail, while also establishing appropriate penalties for nonpayment of tolls and fees. Such penalties would include a civil penalty for the failure to respond or pay tolls, \$25 or two times the toll, whichever is greater, and a denial of renewal of registration for failure to respond or pay more than 5 notices. A.3801-A (Abinanti) / S.3587-C (Comrie); Passed both Houses; Corporations, Authorities and Commissions.

Prohibits the sale of drugs subject to a shortage. This legislation would add medicine to the list of goods and services that can be classified as being subject to price gouging; allowing the attorney general to bring a suit for violations, while making it a question of law for the court to determine whether or not a price is unconscionably excessive.

A.5860-B (Reyes) / S.3081-B (Salazar); Passed both Houses; Consumer Affairs and Protection.

Requires those engaged in the business of receiving and transmitting money to provide certain warnings to consumers. This legislation would require financial institutions to provide consumers with a clear, concise and conspicuous warning about potential fraud, require agents receive annual consumer fraud training, and provide for the monitoring of agent activity related to consumer fraud. Additionally, this bill would establish a toll-free number to report fraud and find information on how to stop a money transfer. A first violation would be subject to a civil penalty of not more than \$250, and each subsequent violation would be subject to a civil penalty of not more than \$500. A.5864-C (Stirpe); Passed Assembly; Banks.

Provides that no motor vehicle shop repair a tire unless it would pass inspection after such repair. This legislation would prohibit motor vehicle repair shops from repairing any tire which would fail to meet Department of Motor Vehicle tire standards after the completion of the repair. A.8420 (Paulin) / S.387 (Kaplan); Passed Assembly; Transportation.

Increases penalties for Deceptive Acts and Practices that occur in connection with an abnormal disruption in the market. This legislation would impose increased civil penalties to provide restitution to victims for violations that occur during a Declared State of Emergency, which would be a civil penalty of not more than \$15,000 for each violation or three times the actual restitution needed, whichever is greater. A.9193-B (Rozic) / S.4954-C (Myrie); Passed both Houses; Consumer Affairs and Protection.

Prohibits cosmetic products and personal care products that contain mercury. This bill would amend the Environmental Conservation law to prohibit the sale of any cosmetic or personal care product containing mercury. A.8630-A (Reyes) / S. 8291-A (Brouk); Passed both Houses; Environmental Conservation.

Provides for the automatic rescheduling of certain compounds, mixtures or preparations. This bill would reclassify Schedule I substances on the state controlled substance list to a Schedule II-V or remove the substance from the state schedule in accordance with any updated federal guidelines. The bill would require the Commissioner of Health to place the controlled substance in a newly-designated subdivision of the alternate controlled substance schedule. A.9722-A (Reyes) / S.8618-A (Rivera); Passed both Houses; Health.

Adds public water lines to the list of utilities that may be installed under the provisions of law. This bill would amend the real property law in order to add water lines to the list of utilities which may be installed by the owners of certain lots, plots, sites, or other parcels of real estate. A.9736-A (Thiele) / S.8402-A (Gaughran); Passed both Houses; Judiciary.

Miscellaneous Legislation

Increases penalties for aggravated unlicensed operation of a motor vehicle when a person has in effect five or more suspensions or revocations. This bill would amend the Vehicle and Traffic Law to add when a person commits the offense of aggravated unlicensed operation of a motor vehicle in the third degree and is operating a motor vehicle while such person has in effect five or more suspensions or revocations, imposed on at least five separate dates, to the crime of first degree aggravated unlicensed operation of a motor vehicle. A.6358-A (Thiele) / S.7524-A (Thomas); Passed both Houses; Transportation.

Relates to specification of objections to designating petitions, independent nominating petitions, certificates of nomination or ballot access documents. This bill would establish uniformity in the notification process to a candidate for public office of any specific objections to nominating petitions that have been filed. A.4261-A (Steck) / S.4413 (May); Passed both Houses; Election Law.

Prohibits discrimination based on citizenship or immigration status. This bill would amend the Executive Law to prohibit discrimination in employment, housing, places of public accommodation and others under New York State's Human Rights Law based upon an individual's citizenship and/or immigration status. A.6328-A (Cruz) / S.6586-A (Liu); Passed both Houses; Governmental Operations

Relates to certain requirements regarding billing for electric services. This bill would amend the Public Service Law to require gas and electric corporations to include classification of service, account number, meter number and website information on customer billing statements. A.7256-A (Rivera) / S. 1979-A (Jackson); Passed both Houses; Energy

Prohibits the hunting of wild deer on certain lands adjacent to a wildlife rehabilitation facility. This bill would amend the Environmental Conservation law to prohibit the hunting of deer in the town of Southampton (Suffolk Co.) on any state lands, directly adjacent to property that has been permitted to be used for wildlife

rehabilitation. A.9895 (Theile) / S.9345 (Palumbo); Passed both Houses; Environmental Conservation

Prohibits the application of pesticides to certain local freshwater wetlands. This bill would amend the Environmental Conservation law to allow a local government, that has implemented a freshwater wetlands protection law, to adopt a local law prohibiting the application of pesticides to the wetlands it regulates. A.9079-B (Burdick)/ S. 8378-C (Harckham); Passed both Houses; Environmental Conservation

Establishes the Flax Pond tidal wetlands sanctuary; and prohibits the use of motor boats in the Flax Pond tidal wetlands sanctuary. This bill would amend the Environmental Conservation law to establish the "Flax Pond Tidal Wetlands Sanctuary" (in Suffolk Co.) while also amending the Navigation law to prohibit operating a motor boat within this newly established wetlands sanctuary. A.10187-A (Englebright) / S. 9140-A (Mattera); Passed both Houses; Environmental Conservation

IV. Codes Budget Highlights from State Fiscal Year 2022-23

A. Fiscal Highlights

The Assembly restored funding for the following programs:

- \$2.83 million in Legal Services Assistance Fund (LSAF) support for civil and criminal legal services 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 \$15 million to support criminal justice programs, including:

- \$5 million for pre-trial services, bringing total funding to \$15 million;
- \$2.1 million for the New York State Defenders Association for a total of \$3.13 million;
- \$1.2 million for Prisoners' Legal Services, bringing total funding to \$4.15 million; and
- \$6.7 million for local criminal justice programs throughout the State.

The Legislature also provided:

- An additional \$40 million to support the implementation of criminal justice discovery reforms, bringing total funding to \$80 million;
- \$25 million in capital grants for software and technology upgrades to criminal discovery databases; and
- \$10 million in capital grants to counties for equipment, technology and facility renovations to support pre-trial services and alternatives to incarceration (ATI) programs.

B. Article VII Highlights

The 2022-23 SFY enacted budget included Article VII language to:

- Extend for two years various criminal justice and public safety programs.
- Extend the “Criminal Justice Discovery Compensation Fund,” for another two years, which would have otherwise expired on March 31, 2022.
- Gun trafficking:
 - Lower the threshold constituting Criminal sale of a firearm in the 1st degree from 10 guns to 3 over a year-long period;
 - Lower the threshold constituting Criminal sale of a firearm in the 2nd degree from 5 guns to 2 over a year-long period; and
 - Lower the threshold constituting possession of a firearm with intent to sell from 5 guns to 3.
- Bail:
 - Make the offenses of Criminal possession of a firearm, Criminal possession of a weapon in the 3rd degree and Criminal sale of a firearm to a minor bail eligible;
 - Include Criminal possession of a firearm in the category of bail-eligible repeat offenses;
 - Clarify that in relation to bail-eligible repeat offenses “*harm to an identifiable person or property*” includes theft of or damage to property. Courts may still release a defendant on their own recognizance or set nonmonetary conditions if the theft is “*negligible*” and does not appear to be in the furtherance of other criminal activity; and
 - Expand the list of factors courts must consider when making bail determinations to include (1) whether the alleged conduct caused serious harm to an individual(s); (2) any previous violations of an order of protection; and (3) any history of use or possession of firearms.
- Custodial Arrest:
 - Authorize law enforcement to make a custodial arrest instead of issuing a desk appearance ticket when a person (1) over the age of 18 is charged with Criminal possession of a weapon on school grounds; (2) over the age of 18 is charged with a hate crime; (3) is charged with any bail-eligible repeat offense; and (4) has committed a new crime after they were issued a desk appearance ticket (DAT) on a prior crime, but before he/she has been arraigned on the charge.
- Mental Health Assessments in Criminal Court:
 - Authorize courts to order psychiatric assessment for individuals who appear, by clear and convincing evidence, to be mentally ill such that if left unattended their conduct may result in harm to themselves or others. Upon assessment and determination by a physician, individuals may be subject to involuntary commitment in accordance with the mental hygiene law. Judges will have access to assessment summaries to ensure

compliance with any conditions of release, including essential treatment and services.

- Raise the Age
 - Clarify that the Family Court retains jurisdiction over a respondent who turns 18 years of age in relation to acts committed prior to his/her 18th birthday; and
 - Requires courts to provide referrals to community-based programs and services to juveniles being released.
- Discovery:
 - Permit prosecutors to file subsequent Certificates of Compliance (COCs), if they used good faith and due diligence in relation to the original filing, or if the material did not exist when the prior COC was filed. Where a remedy or sanction is forthcoming, required that remedy or sanction to be proportionate to prejudice suffered by the party entitled to disclosure;
 - Require that a party notify the opposing party as soon as practicable if they are aware of any potential defect or deficiency with either an original or supplemental certificate of compliance so that it can be remedied;
 - Provide that any challenges to a certificate of compliance or supplemental certificate be heard as soon as practicable;
 - Provide that the court may order a dismissal of some or all of the charges as a remedy or sanction for failure to comply with any discovery order only after the court has considered all other remedies and finds that dismissal is appropriate and proportionate to the prejudice suffered by the party who was entitled to disclosure;
 - Provide for an appeal as a right by the people if a court dismisses one or more counts of an accusatory instrument as a sanction for failing to comply with a discovery order;
 - Clarify that in the event of such appeal the defendant may request that the appellate court make a modification of any securing order imposed on the defendant pending the appeal; and
 - Eliminate the requirement that prosecutors provide automatic discovery for traffic infractions and petty municipal offenses.

Appendix A: 2022 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	70	0	70
To Ways and Means	39	0	39
To Rules	80	0	80
Total	189	0	189
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Bills Having Committee Reference Changed			
To Ways and Means	2	0	2
Total	2	0	2
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Bills Never Reported	545	31	576
Bills Held for Consideration	90	0	0
Bills Defeated	1	0	0
Bills Having Enacting Clauses Stricken	24	0	0
Total Bills Remaining in Committee	660	31	691
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Total Number of Committee Meetings Held: 16

Appendix B: Schedule of 2022 Codes Committee Meetings

<u>Month</u>	<u>Date</u>
January	19
February	1
February	8
February	15
March	1
March	8
March	22
April	25
May	3
May	10
May	17
May	23
May	25
May	31
June	2
July	1

Total number of committee meetings held: 16

Appendix C: Codes Laws of 2022

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.1023-A	207	Paulin	Requires the creation and imposition of restrictive commercial practices and stringent recordkeeping and reporting to prevent gun and ammunition sales to individuals with a criminal record
A.1940-E	574	Buttenschon	Relates to the maintenance of records of catalytic converters
A.6716-A	206	Wallace	Establishes the crimes of making a threat of mass harm and aggravated threat of mass harm
A.7079-C	647	Burdick	Increases the severity of the offense of sexual conduct against a child in the second degree
A.7363-A	648	Gottfried	Protects patients from certain penalties due to money judgments arising from actions brought by hospitals or health care professionals
A.7603	190	Sillitti	Repeals certain provisions of the criminal procedure law relating to persons who are police officers
A.7648	242	Palmesano	Permits permitting the electronic appearance of a defendant in the county of Steuben
A.7926-A	205	Rosenthal L.	Requires semiautomatic pistols manufactured or delivered to any licensed dealer in this state to be capable of microstamping ammunition
A.7968	246	Palmesano	Permits certain defendants in a criminal action in Chemung, Schuyler, or Yates

county to appear electronically, with the approval of the court

A.8102-A	576	Clark	Requires the court to order the search for and immediate seizure of certain firearms when a defendant willfully refuses to surrender such firearms
A.8105-B	577	Clark	Relates to orders of protection
A.8326	321	Gallahan	Relates to authorizing electronic court appearances in Seneca county
A.8375	252	Zebrowski	Permits the electronic appearance of a defendant in the county of Rockland
A.8578	254	Gunther	Permits the electronic appearance of a defendant in the county of Sullivan
A.8700	24	Dinowitz	Relates to the crime of falsifying COVID-19 vaccination records
A.8701	118	Reyes	Relates to the "hate crimes analysis and review act"
A.8735	96	Richardson	Requires the division of criminal justice services to publish quarterly reports providing information related to firearms, rifles and shotguns used in the commission of crimes in the state of New York
A.8736	112	Stern	Amends the definition of disguised gun to include any firearms that are designated and intended to appear to be a toy gun
A.8741	94	Lavine	Amends the "Scott J. Beigel unfinished receiver act" relating to unserialized frames or receivers
A.8786	149	Rosenthal L.	Criminalizes the sale of ghost guns
A.9176	159	Jackson	Relates to considerations for adjustment by the probation

A.9819-A	425	Magnarelli	Authorizes the Syracuse regional airport authority to provide and maintain an authority police department and a uniformed authority police force
A.10372-A	219	Rules (Lavine)	Relates to legal protections for abortion service providers
A.10428-A	209	Rules (Peoples-Stokes)	Relates to the definition of large capacity ammunition feeding device for purposes of the offense of criminal possession of a weapon in the third degree; and repeals section 265.35 of the penal law
A.10435	351	Rules (Walsh)	Permits the electronic appearance of a defendant in the country of Saratoga
A.10491	233	Rules (Cook)	Relates to assaults upon certain employees of a transit agency or authority
A.10497	210	Rules (Jacobson)	Relates to the unlawful sale or delivery of a body vest
A.10501	213	Rules (Meeks)	Establishes the task force on social media and violent extremism; and requires the domestic terrorism task force report to be delivered to the attorney general
A.10502	208	Rules (Cahill)	Authorizes certain health care providers to file an application for an extreme risk protection order against a person examined by such health care provider in certain circumstances
A.10503	212	Rules (Jackson)	Relates to the purchase of taking possession of a semiautomatic rifle
A.10504	211	Rules (Burgos)	Relates to defining firearm
A.41001	371	Rules (Heastie)	Relates to licensing and other provisions relating to firearms

Appendix D: Dual Referenced Laws of 2022

<u>Bill Number</u>	<u>Chapter</u>	<u>Sponsor</u>	<u>Summary</u>
A.159	502	Gottfried	Provides for additional remedies for patients' private right of actions in residential health care facilities
A.911-A	688	Jean-Pierre	Relates to operating a vessel while intoxicated when a child who is fifteen years of age or less is a passenger in such vessel
A.1067	689	Zebrowski	Authorizes the attorney general to bring an action for violation of the prohibitions concerning unlawful selling practices and specifies damages awardable
A.1713-A	189	Pretlow	Relates to process server records
A.2344-A	623	Rosenthal	Requires food allergy awareness in food service establishments and online food ordering services
A.2483-B	139	Niou	Relates to including the state and all public employers as subject to the human rights law
A.3593-E	237	Solages	Authorizes the town of Hempstead in the county of Nassau to establish a residential parking system in the neighborhoods of Bellerose Terrace and Elmont
A.3964	497	Colton	Increases fines for leaving scene of an accident without reporting
A.3998	501	Abinanti	Clarifies the definition of imitation weapon
A.4283	681	Rosenthal L.	Prohibits the sale of dogs, cats and rabbits by retail pet shops; authorizes space for adoption

A.4485-B	580	O'Donnell	Relates to opioid overdose prevention in college housing
A.5061	378	Dinowitz	Relates to prohibiting smoking in public parks
A.5653-B	682	Rosenthal L.	Prohibits the manufacture or sale of cosmetics tested on animals
A.6207-B	578	Rosenthal L.	Requires the release of individuals from utility, phone and television contracts in instances of domestic violence; repealer
A.6233-A	315	Gunther	Provides distillers with the same privileges currently enjoyed by other New York manufacturers
A 6246-C	683	Paulin	Relates to the regulation of animal shelters; repealer
A.6938-B	180	Epstein	Relates to prohibited practices relating to student educational debt
A.7101	140	Gonzalez-Rojas	Relates to prohibiting certain retaliatory action against unlawful discriminatory practices by employers
A.7770-C	673	Epstein	Relates to an immigration bail business
A.7805-D	225	Cymbrowitz	Establishes the New York city public housing preservation trust and providing for the issuance of certain bonds, notes or other obligations of the New York city housing development corporation
A.7818-B	387	Cruz	Promotes the education of the human trafficking information and referral hotline to assist persons in freeing themselves from severe acts of sex trafficking

A.7865-A	204	Fahy	Requires social media networks to provide and maintain mechanisms for reporting hateful conduct on their platform
A.7981	181	Reyes	Removes the term incorrigible from certain sections of the education law
A.8092-B	604	Reyes	Clarifies that workers shall not be punished or subjected to discipline by employers for lawful absences
A.8136-B	248	Paulin	Requires children's non-regulated camps to ascertain whether an employee or volunteer is listed on the sex offender registry
A.8586-B	481	Simon	Relates to supported decision-making by people with intellectual, developmental, cognitive and psychosocial disabilities
A.8691	104	Rozic	Provides for electronic notarization
A.8709	146	Epstein	Prevents institutions from implementing contingencies on the receipt of state funding
A.8734	155	Englebright	Relates to freedom of information law disclosures related to law enforcement related records and records identifying victims
A.8739	38	Hevesi	Relates to juvenile delinquency proceedings for certain acts committed by a sixteen or seventeen year old; amends the definition of juvenile delinquent
A.8746	40	Galef	Relates to the manufacture of seasonal and decorative lighting products containing lead; repealer
A.8750	162	Dinowitz	Relates to prohibiting legal fees to be charged by a lessor or agent thereof
A.8769	157	Joyner	Relates to actions for non-payment of wages

A.8775	152	Burke	Directs the commissioner of health to establish and implement an infection inspection control audit and checklist on nursing homes
A.8838	128	Gottfried	Provides for pharmacy benefit management and the procurement of prescription drugs at a negotiated rate for dispensation
A.8848	90	Cruz	Increases required training for real estate brokers and real estate salespeople to prevent discrimination
A.8849	160	Zinerman	Defines vacant and abandoned residential property in relation to mortgage foreclosure actions
A.8933-A	407	Eichenstein	Limits the liability of operators and owners of first-response emergency service vehicles for monetary penalties for certain traffic violations committed while responding to a medical emergency
A.9259-A	567	People-Stokes (MS)	Relates to minority and women-owned business enterprises post completion certification, duties of the director and creating the minority and women-owned business enterprise fund
A.9601-B	202	Lucas	Prohibits discrimination based on status as a victim of domestic violence
A.9650-A	270	Jacobson	Establishes an administrative adjudication hearing procedure for code and ordinance violations for the city of Newburgh
A.9664	611	Woerner	Expands the definition of provider to include certain child advocacy centers for the purposes of access to information contained in the statewide central register of child abuse and maltreatment

A.9702-B	422	Griffin	Increases the fines for dumping or plowing snow onto handicapped parking places
A.9745	336	Otis	Relates to implementing a residential parking system in the city of New Rochelle
A.9805	424	Magnarelli	Relates to the enforcement of parking in disabled access parking space.
A.9824-A	566	Thiele	Relates to the statute of limitations for public water suppliers to commence an action, civil claim, or cause of action for injury to property
A.10085	287	Solages	Authorizes the village of Floral Park in the county of Nassau to establish a residential parking system
A.10094-A	218	Burdick	Establishes a cause of action for unlawful interference with protected rights
A.10095	341	Otis	Implements a residential parking system in the city of Rye
A.10230	310	Rules (Paulin)	Expands the residential parking system in the village of Pelham in Westchester county

Appendix E: 2022 Codes Bills that Passed the Assembly³

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.98-A	Quart	Relates to motions to vacate judgment; repealer
A.2266	Aubry	Relates to criminal mischief in the third degree and criminal mischief in the second degree
A.4218	Thiele	Grants uniformed court officers in the village of Sag Harbor in Suffolk county peace officer status
A.4738	Manktelow	Grants uniformed court officers in the village of Palmyra in the county of Wayne peace officer status
A.4870	Goodell	Designates the uniformed court officers of the town of Busti, as peace officers
A.4962	Zebrowski	Relates to the unlawful use of an unmanned aircraft
A.6319-A	Cruz	Relates to the offenses of rape in the first, second and third degrees; repealer
A.6501	Solages	Relates to prohibiting a court from denying class certification solely because the action involves governmental operations
A.7602	Fahy	Repeals certain provisions of the criminal procedure law relating to person who are police officers
A.7623	Cusick	Relates to defendant’s right to a supporting deposition
A.7678	Dinowitz	Increases the monetary thresholds for the crimes of grand larceny, theft of services and securities fraud

³ Bill numbers with an asterisk (*) next to such bill number indicates that such bill was approved by both the Assembly and Senate. Bill numbers with two asterisks (**) next to such bill number indicates that such bill was delivered to the Governor. This information is according to the publication date of this report, December 15, 2022.

A.7938	Ashby	Designates the animal control officer in the town of Sand Lake as a peace officer
A.9672	Miller B	Grants peace officer status to uniformed court officers in the town of Montgomery
A.10084	Bronson	Designates as peace officers certain employees of the Monroe county sheriff's office serving as court security deputies at Monroe county court facilities
A.10239-A	Rules (Simon)	Relates to the releasing of individuals charged with a crime under non-monetary bail conditions in order to receive mental health screening or be admitted to a hospital as a result of a mental illness; repeal

Appendix F: 2022 Dual Referenced Bills that Passed the Assembly⁴

<u>Bill Number</u>	<u>Sponsor</u>	<u>Summary</u>
A.286-A**	Gunther	Relates to the restrictions on consecutive hours of work for nurses
A.940-B	Paulin	Relates to automatic license plate readers
A.944-A**	Magnarelli	Requires businesses that make payments in lieu of taxes to provide local governments and school districts with notice of their intention to change assessment
A.1082-A**	Abinanti	Provides that a banking institution must cash checks drawn on said institution, if payee presents a form of valid identification
A.1338-C**	Magnarelli	Establishes a registration system for contractors and subcontractors engaged in public work and covered projects in order to better enforce existing labor laws and regulations in the public works
A.1861-C	Dinowitz	Prohibits an employer from requesting that an employee or applicant disclose any means for accessing an electronic personal account
A.1865	Dinowitz	Relates to requiring mandatory arbitration clauses in certain consumer contracts to be printed in large font type
A.2060-A	Barrett	Relates to the duty to report incidents
A.4591-A	Dinowitz	Relates to the remote conduct of witnessing health care proxies

⁴ Bill numbers with an asterisk (*) next to such bill number indicates that such bill was approved by both the Assembly and Senate. Bill numbers with two asterisks (**) next to such bill number indicates that such bill was delivered to the Governor. This information is according to the publication date of this report, December 15, 2022.

A.5864-C	Stirpe	Requires transmitters of money to provide a certain warning to consumers
A.6358-A	Thiele	Relates to first degree aggravated unlicensed operation (AUO) of a motor vehicle
A.6770*	Weinstein	Provides for the types of damages that may be awarded to the persons for whose benefit an action for wrongful death is brought
A.7006-B**	Fahy	Enacts the digital fair repair act
A.7429-A	Englebright	Enacts the birds and bees protection act
A.8143-A	Fahy	Relates to establishing the “Advanced Building Codes, Appliance and Equipment Efficiency Standards Act of 2022”
A.8200-B**	Jacobson	Prohibits individuals in certain positions from taking any position with a business or entity doing business with an agency or industrial development authority
A.8420	Paulin	Provides that no motor vehicle repair shop shall repair a tire that would not pass New York state inspection
A.8619-B	Meeks	Expands eligibility for victims and survivors of crime to access victim compensation funds
A.8874-B**	Joyner	Relates to restrictions on consecutive hours of work for nurses
A.9108	Thiele	Relates to certain acquisition of interests or rights in real property for the preservation of open spaces and areas
A.9193-B**	Rozic	Relates to fraud in connection with an abnormal disruption of the market
A.9279-A**	Englebright	Establishes a carpet collection program

A.9492-C	Abinanti	Relates to the creation of an innovative supportive housing program for persons with a developmental disability who wish and are able to safely reside in such a setting; creates an exemption from certain filings
A.9585	Galef	Relates to the residential parking system in the village of Croton-on-Hudson
A.9673	Galef	Relates to the residential parking system in the village of Croton-on-Hudson
A.10212	Rules (Frontus)	Relates to notices given to respondents in child abuse and neglect proceedings in family court

Appendix G: 2022 Codes Bills Vetoed by the Governor

A.9877-A	Cruz	Requires notice of risk of deportation of non-citizens, prior to accepting a plea
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Appendix H: 2022 Dual Referenced Bills Vetoed by the Governor

A.873-A	Cahill	Relates to utility intervenor reimbursement
A.1287-B	Magnarelli	Relates to requiring certain trains and locomotives to have a crew size of not less than two persons
A.2622-A	Thiele	Relates to requiring service providers to prepare and submit emergency response plans
A.3801-A	Abinanti	Relates to enacting the "toll payer protection act"
A.4570-A	Gottfried	Relates to using the term human food grade for certain pet food
A.5860-B	Reyes	Relates to price gouging of medicine
A.7889-A	Gottfried	Relates to audit and review of medical assistance program funds by the Medicaid inspector general