

**2017 LEGISLATIVE SESSION REPORT**

**NEW YORK STATE SENATE**

**STANDING COMMITTEE ON CODES**

Senator Andrew J. Lanza, Chairman

Senator Diane J. Savino, Vice-Chair

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**CODES**  
**Senator Andrew Lanza, Chair**

The Codes Committee reported/discharged 216 bills from committee this session. Of these 216 bills, 19 were referenced to a committee of secondary reference and did not advance further. One was referenced to a committee of third reference and did not advance further. A total of 196 bills advanced to the Calendar, 22 of which died on 3<sup>rd</sup> Reading Calendar, while 162 bills passed the Senate only and 12 bills passed both houses.

**Bills Died in Committee of Secondary Reference**

**Finance**

- **S. 12 KAMINSKY** -- Relates to making false statements to district attorneys, assistant district attorneys or district attorney investigators
- **S. 294 ROBACH** -- Relates to enhancing penalties and protecting victims of crimes of domestic violence
- **S. 2731 GRIFFO** -- Directs a criminal court to establish a period of commitment for persons found not responsible by reason of mental disease or defect; a person so committed shall not be eligible for release from the custody of the commissioner of mental health or the commissioner of developmental disabilities until completion of the period of commitment

**Rules**

- **S. 339 PERALTA** -- Authorizes use of closed-circuit television for the testimony of domestic violence victim witnesses in a criminal proceeding subject to the same restrictions as are applicable to child witnesses
- **S. 532 YOUNG** -- Establishes the offenses of promoting and possessing a sex offense against a child
- **S. 1133 GALLIVAN** -- Relates to aggravated vehicular homicide where a person commits the crime of vehicular manslaughter in the second degree and has previously been convicted three times of violating any provisions of section 1192 of the vehicle and traffic law within the preceding ten years
- **S. 1256 MARCELLINO** -- Includes the theft of a pet within the crime of grand larceny in the fourth degree in certain instances; defines "pet" as a licensed dog or cat harbored by the owner or lawful custodian of such dog or cat in a dwelling or within an enclosure or yard
- **S. 1851 ORTT** -- Designates certain medical providers employed by a municipal police department, while deployed with the special weapons and tactics team, as peace officers

- **S. 2934 GALLIVAN** -- Relates to a negotiated sentence of imprisonment
- **S. 3763 FUNKE** -- Relates to increasing the penalty for larceny and criminal mischief during a declaration of a state of emergency by the governor, when committed within the geographical area where the state of emergency is in effect
- **S. 3764 FUNKE** -- Relates to requiring a sentence of imprisonment for sex offenses where the victim of the offense lacked the ability to consent due to incapacity
- **S. 4327 LANZA** -- Requires persons against whom an order of protection is issued to wear an electronic monitoring device; prohibits the tampering with such a device and violation of such prohibition constitutes a class E felony
- **S. 5065-A LATIMER** -- Relates to expanding the definition of public place for purposes of offenses against public order and expanding the definition of specified offense for the purposes of hate crimes
- **S. 5072 LANZA** -- Provides for full and timely discovery in cases related to the operation of a motor vehicle under the influence of drugs or alcoholic beverages
- **S. 5144 LANZA** -- Limits who may bring a private right of action for identifying a victim of a sex offense; only brought by the victim where the information has not otherwise been publicly disclosed
- **S. 5306 AKSHAR** -- Relates to revocable sentences of probation or conditional discharge and imprisonment for certain offenses
- **S. 5399-A GOLDEN** -- Provides that a courtroom or waiting area shall be a facility for purposes of aggravated harassment of an employee by an inmate or a defendant
- **S. 6197 BROOKS** -- Requires the court to take all reasonable steps to verify certain information prior to the issue of an order granting a change of name
- **S. 6500 SQUADRON** -- Relates to the timely scheduling of criminal trials

### **Bills Died in Committee of Third Reference**

#### **Rules**

- **S. 405 ROBACH** -- Establishes the right of tenants to call police or emergency assistance without fear of losing their housing as the result of landlord actions or local nuisance laws

### **Died on 3<sup>rd</sup> Reading Calendar**

- **S. 310 ROBACH** -- Makes it a class B violent felony to fire a gun into a crowded space with the intent to harm or absent the intent to

harm when such an act creates a great risk of death to one or more people within the crowded space; establishes the crime of criminal use of weapons; firing into a crowded space

- **S. 311 ROBACH** -- Provides that persons arrested for domestic violence forfeit bail when violating an order of protection
- **S. 439 PERALTA** -- Provides that the degree of a larceny offense shall be determined based on the aggregate value of all property stolen during multiple larcenies constituting a common scheme
- **S. 463 PERALTA** -- Prohibits the sale of forged instruments; includes the sale and manufacture of government issued documents in the class C felony of forgery in the first degree
- **S. 607 BOYLE** -- Relates to the transport of an opiate controlled substance
- **S. 738 ORTT** -- Criminalizes the sale, use and possession of synthetic drugs; provides various definitions for types of synthetic drugs
- **S. 884 GOLDEN** -- Provides that a person is guilty of aggravated grand larceny of an automated teller machine when he or she has been previously convicted of grand larceny in the third degree involving an ATM within the previous ten years
- **S. 1024 FUNKE** -- Provides that where a defendant is charged with a felony sex offense, then any plea of guilty must be or must include at least a plea of guilty to a sex felony
- **S. 1059 BONACIC** -- Relates to harness racing
- **S. 1456-A AVELLA** -- Authorizes certain owners of residential real property in the city of New York to opt out of planned city tree planting
- **S. 1979 COMRIE** -- Criminalizes the unlawful use of an unmanned aircraft
- **S. 2405 GOLDEN** -- Establishes crime of aggravated criminal conduct to provide more severe penalties for persons who have committed 3 or more qualifying misdemeanors or felonies within ten years of the present class A misdemeanor offense
- **S. 2458-B HAMILTON** -- Enacts the "taxi driver protection act"; requires a sign in every for-hire vehicle that states "ATTENTION: Assaulting A Driver Is Punishable By Up To Twenty-Five Years In Prison"
- **S. 2591 LANZA** -- Establishes the crimes of unlawfully operating as a common carrier of property by motor vehicle transporting household goods in the first, second, and third degree prohibiting a person operating as a common carrier of property by motor vehicle transporting household goods if he or she is not licensed to do so
- **S. 2633 LANZA** -- Provides for revocation of probation where a person is convicted of a felony or an offense in another jurisdiction which if committed in this state would constitute a felony, while the defendant is under probation supervision for a felony offense

- **S. 4997 LANZA** -- Provides for confidentiality of records in proceedings to vacate convictions for offenses resulting from sex trafficking, labor trafficking and compelling prostitution
- **S. 5098 HOYLMAN** -- Relates to categorizing members of an auxiliary police program with police officers and peace officers for purposes of certain felony classifications
- **S. 5343-B LANZA** -- Establishes the class E felony offense of assault on a teacher for the intentional causing of physical injury to a teacher while upon school grounds
- **S. 5425 BAILEY** -- Enacts the child protection act of 2017; repealer
- **S. 5577 LANZA** -- Relates to procedures for the return of firearms surrendered in connection with an order of protection
- **S. 5665 SAVINO** -- Relates to granting peace officer status to traffic enforcement officers and traffic enforcement agents employed by the city of New York
- **S. 6343-A ALCANTARA** -- Relates to theft of services from barbershops, salons or beauty salons and makes such offense a violation

### Passed Senate Only

- **S. 64-A YOUNG** -- Enacts Danielle DiMedici, Jessica Tush and Brittany Passalacqua's law; establishes the crimes of failure to register or verify as a domestic abuse offender in the first and second degrees; creates a registry for domestic abuse offenders; defines domestic abuse offender; allows discretion of the court to place offender on registry
- **S. 65 YOUNG** -- Enacts "Brittany's law" defining domestic violence offenses and offenders and requiring such offenders to register with the division of criminal justice services; establishes the crimes of failure to register or verify as a domestic violence offender in the first and second degrees
- **S. 113 HOYLMAN** -- Relates to trademark counterfeiting
- **S. 176 MARCHIONE** -- Establishes a person is guilty of grand larceny in the fourth degree when he or she steals property and is in possession of an anti-security item; makes criminal possession of an anti-security item a class A misdemeanor
- **S. 196-A MARCHIONE** -- Enables the victim of a misdemeanor to make a statement at the sentencing of the defendant
- **S. 227 GOLDEN** -- Makes intentional damage to an authorized emergency vehicle a crime of criminal mischief in the third degree
- **S. 232 GOLDEN** -- Relates to increasing penalties for certain violent felony offenses committed upon a police officer

- **S. 258 ORTT** -- Establishes the crimes of vehicular assault and vehicular manslaughter in an active work zone and intrusion into an active work zone
- **S. 285 ROBACH** -- Expands the crime of robbery in the first and second degrees to include attempts made with a device appearing to be a bomb, destructive device or explosive or hazardous substance
- **S. 297 ROBACH** -- Creates computer sex crimes against children and makes it a violent felony offense when a person is convicted of a computer sex crime and the underlying crime is against a child
- **S. 301 MURPHY** -- Reduces the aggregate value realized from the sale of a controlled substance for the seller to be considered as operating as a major trafficker
- **S. 409 ROBACH** -- Relates to making it unlawful for a caretaker to post a vulnerable elderly person on social media without their consent
- **S. 420 GOLDEN** -- Permits disclosure of arrest and prosecution records of applicants for employment by police departments and other law enforcement agencies
- **S. 421 SEWARD** -- Creates the crimes of staging a motor vehicle accident in the first, second and third degrees; prohibits acting as a passenger or an operator of a motor vehicle with intent to defraud by means of planning and execution of an accident; provides crime is a class B felony if an uninvolved party is injured
- **S. 424 SEWARD** -- Criminalizes acting as a runner or soliciting or employing a runner to procure patients or clients
- **S. 440 YOUNG** -- Designates, as peace officers, special deputy sheriffs of the county of Chautauqua within the grounds of and properties owned by the Chautauqua Institution
- **S. 457 YOUNG** -- Includes in class A misdemeanor of dissemination of an unlawful surveillance image in the second degree, the dissemination of an image of a person to a computer network internet website that is obscene, without the consent or knowledge of the person in the image
- **S. 468 PERALTA** -- Expands the definition of "criminal act", for purposes of enterprise corruption, to include computer offenses, identity theft, criminal use of an access device and unlawful possession of personal identification information or a skimmer
- **S. 499 SQUADRON** -- Expands the definition of the offense of criminal trespass in the second degree
- **S. 504 DIAZ** -- Provides that stalking by technological means shall be prohibited and shall be included in the crimes of stalking in the first, second and third degrees
- **S. 508 DIAZ** -- Establishes the crime of patronizing a prostitute in a school zone and includes daycare facilities within the definition of a school zone

- **S. 513 YOUNG** -- Authorizes use of closed-circuit television for the testimony of domestic violence victim witnesses in a criminal proceeding subject to the same restrictions as are applicable to child witnesses
- **S. 537 YOUNG** -- Permits at the discretion of the court certain members of the victim's family to read statements in court during the sentencing of a defendant
- **S. 554 YOUNG** -- Provides that the court may, in its discretion, dispense with the defendant's personal appearance at an arraignment whenever such defendant is being held at a secure location outside the courthouse and conduct an electronic arraignment
- **S. 594 BOYLE** -- Relates to adding animal fighting as a criminal act when referring to enterprise corruption
- **S. 623 BOYLE** -- Relates to criminal sale of a controlled substance; adds the sale of one or more preparations, compounds, mixtures or substances containing carfentanil to criminal sale of a controlled substance in the second and first degrees
- **S. 638 BOYLE** -- Creates the presumption of intent to sell: possession of fifty or more individual packages containing heroin is presumptive evidence that such person possessed such controlled substance with intent to sell
- **S. 642 BOYLE** -- Creates the crimes of unlawful dissemination of an intimate image in the first and second degrees as a class E felony and class A misdemeanor, respectively
- **S. 643 BOYLE** -- Relates to protecting registered security guards in a hospital or health care facility from assault; class D felony
- **S. 660 KENNEDY** -- Includes the financial exploitation of the elderly or disabled within the definition of the crime of larceny; defines terms
- **S. 671 KENNEDY** -- Provides that impersonation of a disabled veteran vendor, by carrying or possessing a specialized vending license without authority or any form of insignia or by words or actions is a class A misdemeanor
- **S. 673 KENNEDY** -- Creates offenses of aggravated promotion and aggravated possession of an obscene sexual performance by a child
- **S. 681 KENNEDY** -- Relates to providing that an assault of a child where the defendant has a previous conviction for an assault of a child shall be an assault in the first degree
- **S. 711 CARLUCCI** -- Relates to theft of services for the use of a highway, parkway, bridge or tunnel
- **S. 714 ORTT** -- Enacts the "protect our children act"; establishes certain offenses relating to murder of and violence against a child and obstructing the location of a missing child

- **S. 716 CARLUCCI** -- Increases the penalties for sexual performances by a child and provides for consecutive sentencing upon certain multiple convictions
- **S. 717 CARLUCCI** -- Establishes the crime of promoting an obscene sexual performance by a child in the first degree
- **S. 759 RITCHIE** -- Creates the crimes of tampering with electronic monitoring equipment in the first and second degree
- **S. 814-A GOLDEN** -- Adds "park grounds and playgrounds" to statute currently providing increased penalties for sale of controlled substances to certain persons if such sale occurs on or within 1,000 feet of school grounds; defines "park ground or playgrounds" to mean in, or within any building or structure or any fields, lands or grounds owned, leased or maintained by the state, any agency or municipality thereof, etc., designated as a recreation area for children
- **S. 830 YOUNG** -- Establishes the crimes of aggravated rape, aggravated criminal sexual act and aggravated sexual abuse
- **S. 880 ORTT** -- Relates to the possession and sale of substances containing heroin in certain weights and packaging
- **S. 883-A GOLDEN** -- Provides that the intentional murder of a child under the age of twelve shall be a first degree murder offense
- **S. 907-A AMEDORE** -- Designates the sheriff of the county of Albany, and the judges and justices of courts of record in such county as firearms licensing officers for the county of Albany; and authorizes, in the county of Albany, the possession of a pistol or revolver while attending a firearms familiarity, safety, loading and firing course conducted by the office of the sheriff
- **S. 925 CROCI** -- Extends murder in the first degree to include victims who are members of the military or reserves
- **S. 927 CROCI** -- Relates to inciting violence against an active duty member of the military or the reserves
- **S. 954 CROCI** -- Relates to criminal possession of computer related material in the first and second degree
- **S. 955 CROCI** -- Relates to assault on a member of the military or reserves
- **S. 957-A CROCI** -- Establishes the crime of stolen valor
- **S. 961 YOUNG** -- Elevates the offense of killing a police work dog or police work horse from being a class E felony to a class D felony; and establishes the class E felony of injuring a police work dog or police work horse for intentionally causing serious physical injury to a police work dog or police work horse while such dog or horse is performing its duties under the supervision of a police officer
- **S. 1007 ROBACH** -- Creates the crime of environmental damage of property



- **S. 1032 BONACIC** -- Authorizes the Ulster county sheriff to serve as an additional firearms licensing officer
- **S. 1107 YOUNG** -- Enacts "The Domestic Violence Protection Act - Brittany's Law" requiring registration of violent felony offenders; sets forth duties of the division of criminal justice services; establishes a special telephone number; requires the division to maintain a subdirectory of violent predators
- **S. 1109 FELDER** -- Removes the \$250 amount of damage from cemetery desecration in the second degree; makes cemetery desecration in the second degree a class E felony to apply to any damage or theft regardless of value; adds crime of cemetery desecration in the first degree and makes such crime a class D felony
- **S. 1114-A AKSHAR** -- Designates offenses against law enforcement officers, firefighters and emergency medical services personnel as hate crimes
- **S. 1127 AKSHAR** -- Establishes the class B felony of criminal sale of a controlled substance upon the grounds of a drug or alcohol treatment center
- **S. 1144 GALLIVAN** -- Relates to categorizing retired police officers employed by a school district as school resource officers as peace officers
- **S. 1154 ORTT** -- Provides for payment by the state of certain travelling costs and fees associated with the psychiatric examination of defendants to determine mental fitness
- **S. 1178 MARCELLINO** -- Creates the crime of aggravated criminal conduct where an individual commits a misdemeanor and has been previously subjected to four or more qualifying misdemeanors
- **S. 1182 MARCELLINO** -- Relates to increasing penalties for first degree stalking to a class C felony, second degree stalking to a class D felony, third degree stalking to a class E felony, and fourth degree stalking to a class A misdemeanor
- **S. 1199-A PERSAUD** -- Relates to impersonating another by using another's electronic signature; makes it a class A misdemeanor
- **S. 1211 ORTT** -- Relates to disallowing sentences of intermittent imprisonment when the court is imposing a sentence for a sex offense
- **S. 1220 ORTT** -- Relates to exempting possession of tension pneumothorax decompression needles by paramedics and EMTs from criminal possession of a hypodermic instrument
- **S. 1238 ORTT** -- Relates to aggravated harassment of an employee by an inmate
- **S. 1259 MARCELLINO** -- Relates to the offense of unauthorized use of a vehicle in third degree

- **S. 1292 MARCELLINO** -- Establishes the crime of terrorism recruitment defined as intentionally soliciting another to engage in acts of terrorism, as a class C felony
- **S. 1302 AVELLA** -- Relates to vandalism of vehicles owned by law enforcement personnel or law enforcement agencies that have identifying markings including police insignias on the vehicle or a police parking placard placed on or inside the vehicle
- **S. 1310 MARCELLINO** -- Increases the penalty for the crime of criminally negligent homicide by changing such offense to a class D felony from a class E felony
- **S. 1342-A ALCANTARA** -- Includes within the felonies of gang assault in the first and second degree, gang assaults committed by use of a motor vehicle
- **S. 1537 AVELLA** -- Relates to auxiliary police and their ability to carry a collapsible police baton
- **S. 1662 SEWARD** -- Relates to designating members of the security force of Mary Imogene Bassett hospital network as peace officers
- **S. 1741 GOLDEN** -- Relates to increasing the degree of the offense of unlawfully fleeing a police officer in a motor vehicle
- **S. 1747 GOLDEN** -- Creates new assault crime for an assault on a retired police officer who previously arrested the assailant; establishes that assaulting such a retired police officer with intent to seek retribution is assault in the first degree
- **S. 1770 GOLDEN** -- Relates to adding Triborough bridge and tunnel authority peace officers to those able to conduct temporary questioning of persons
- **S. 1785 KLEIN** -- Increases the penalties for bias related and gang related graffiti, and graffiti upon religious property
- **S. 1786 KLEIN** -- Enhances criminal penalties for criminal mischief and larceny offenses committed at a place of religious worship and for cemetery desecration
- **S. 1876 AVELLA** -- Establishes the crime of aggravated resisting arrest; makes it a class E felony
- **S. 1864 GOLDEN** -- Relates to failure to obtain an alteration permit or certificate of occupancy for a multiple dwelling; makes such crimes a felony
- **S. 1955 LATIMER** -- Includes the possession of an unmanned aircraft containing a deadly weapon within the class C felony of criminal possession of a weapon in the second degree
- **S. 1973 AVELLA** -- Establishes the crimes of petit theft of service, schemes to defraud and counterfeit trademarking
- **S. 2046 BONACIC** -- Relates to aggravated harassment of an employee by an inmate

- **S. 2050-A BONACIC** -- Relates to the judicial diversion program for alcohol and substance abuse offenders
- **S. 2078 KLEIN** -- Enacts "Ildefonso Romero's law" to establish the felony offense of aggravated assault
- **S. 2159 SERINO** -- Permits sentences for two or more crimes to run consecutively, when one of such crimes is a homicide
- **S. 2348 PARKER** -- Includes bias-related graffiti in hate crimes
- **S. 2395 GIANARIS** -- Expands the definition of dangerous contraband to include telecommunications and electronic recording devices
- **S. 2403 MARCELLINO** -- Establishes the crimes of criminal trespass on a school bus; school grounds or children's camp
- **S. 2406-A GOLDEN** -- Relates to cyber crimes and identity theft; increases penalties for certain acts involving use of personal information, fraud, tampering, theft and use of a computer to commit crimes
- **S. 2410 GOLDEN** -- Enacts the New York state criminal street gang act
- **S. 2418 MARCELLINO** -- Prohibits disclosure of highway, bridge, tunnel and other thoroughfare toll and transit records, with exceptions
- **S. 2512 GALLIVAN** -- Relates to the examination of witnesses
- **S. 2533 GOLDEN** -- Relates to causing the death of a police officer
- **S. 2566 HELMING** -- Relates to inciting violence against a police officer
- **S. 2572 HELMING** -- Relates to penalties for the promotion of prison contraband; amends the promotion of prison contraband in the second degree to a class E felony and the promotion of prison contraband in the first degree to a class C felony
- **S. 2582 LITTLE** -- Provides that a full time elementary or secondary student shall not have capacity to consent to sexual conduct with a school employee at his or her school or a co-located school, including volunteers, when the employee is 18 or older and more than 4 years older than such student at the time of the act and knows or should reasonably have known that the student was a student at the school or a co-located school, and such employee is not a full time student at such school, nor married to such student
- **S. 2598 RANZENHOFER** -- Imposes additional fines when a person fails to pay his or her fines or fails to complete counseling or community service when mandated
- **S. 2616 LANZA** -- Establishes a person is guilty of arson in the first degree when he intentionally damages a building or motor vehicle by causing an explosion or a fire and when such explosion or fire is accelerated by use of ignitable liquid or flammable gas

- **S. 2619 LANZA** -- Creates a new class D violent felony offense of endangering the welfare of a child in the first degree; converts the current offense of endangering the welfare of a child to a second degree crime
- **S. 2620 LANZA** -- Provides for the seizure and forfeiture of vehicles, vessels and aircraft used in counterfeit goods
- **S. 2627 LANZA** -- Creates the crime of falsely accusing someone of a crime
- **S. 2630 LANZA** -- Establishes the class E felony of dissemination of false missing child information
- **S. 2631-A LANZA** -- Establishes the crime of larceny of a controlled substance making it an A-II felony to steal more than 25 dosage units of a schedule II, III, IV, or V controlled substance from a pharmacy
- **S. 2635 LANZA** -- Elevates promoting an obscene sexual performance by a child and promoting a sexual performance by a child to be class B felonies; prohibits pleading to a lesser offense after indictment for either such offense
- **S. 2650 KLEIN** -- Expands endangering the welfare of a child to include using a child for the purpose of begging, rag picking, collecting cigar stumps or refuse, or peddling
- **S. 2652-A KLEIN** -- Prohibits sex offenders from playing augmented reality games
- **S. 2657 HAMILTON** -- Creates the crime of falsely accusing someone of a crime
- **S. 2725-A GRIFFO** -- Establishes the crime of non-consensual dissemination of sexually explicit images as a class A misdemeanor
- **S. 2727 GRIFFO** -- Increases directing a laser at an aircraft in the second degree from a class A misdemeanor to a class D felony, and increases directing a laser at an aircraft in the first degree from a class E felony to a class B felony
- **S. 2728 GRIFFO** -- Adds employees of the office of children and family services to the list of public employees for which prevention of duties constitutes assault in the second degree
- **S. 2729 GRIFFO** -- Provides for electronic court appearance in a criminal action, anywhere in the state, at the discretion of the court having jurisdiction of the defendant; provides that the defendant must, after consultation with counsel, consent on the record; provides that the chief administrator of the courts must first approve the use of such electronic appearance
- **S. 2730 GRIFFO** -- Authorizes the state board of parole to require a violent felony offender to serve his or her maximum term, if, by clear and convincing evidence, release would pose an imminent threat to society; authorizes the withholding of good behavior

allowances of violent felony offenders by the state board of parole upon such a finding

- **S. 2744 GOLDEN** -- Amends various provisions prohibiting the sale of controlled substances; includes sale of certain compounds
- **S. 2761 AMEDORE** -- Establishes the crime of homicide by sale of an opiate controlled substance; makes such crime a class A-1 felony
- **S. 2814 HANNON** -- Relates to criminal diversion of prescription medications and prescriptions, establishing certain other offenses related thereto
- **S. 2881 TEDISCO** -- Provides that crimes committed against a person on school grounds shall be deemed to be one category higher than the specified crime the person committed
- **S. 3012 RITCHIE** -- Relates to adding St. Lawrence county sheriff as an additional firearm licensing officer
- **S. 3031 HELMING** -- Relates to certain crimes related to the operation of a motor vehicle; establishes the crimes of persistent aggravated unlicensed operation of a motor vehicle and persistent driving while intoxicated
- **S. 3039 CARLUCCI** -- Relates to the removal of an action from a problem solving court; provides that a "problem solving court" shall include, but not be limited to, drug court, domestic violence court, youth court, mental health court and veterans court
- **S. 3299 GIANARIS** -- Includes in the class E felony of vehicular assault in the second degree, the causing of serious physical injury while operating a vehicle with suspended, revoked or no license
- **S. 3313 LANZA** -- Creates the crimes of dangerous driving in the fifth, fourth, third, second and first degrees; imposes criminal liability on drivers who continue to operate motor vehicles in violation of the vehicle and traffic law and cause injury as a result
- **S. 3335 BAILEY** -- Defines dangerous contraband to include telecommunications and electronic recording devices
- **S. 3517 FLANAGAN** -- Makes aggravated vehicular homicide a violent felony offense
- **S. 3525 FLANAGAN** -- Provides for payment of restitution for certain offenses committed where no other victim is seeking restitution and the municipality has expended funds for the purpose of rehabilitation or clean-up of the site of the offense; provides a definition of municipality for purposes of such restitution
- **S. 3533 FLANAGAN** -- Establishes the class E felony of vehicular assault in the third degree; redefines the requirements for a violation of vehicular assault in the second degree; expands the offenses of vehicular assault and vehicular manslaughter; and establishes the class D felony of vehicular manslaughter in the third degree

- **S. 3538 LANZA** -- Elevates all computer tampering offenses by one degree in severity
- **S. 3632 PHILLIPS** -- Relates to granting peace officer status to certain titles employed by the Nassau county police department
- **S. 3654 SQUADRON** -- Relates to offenses involving thefts of identity
- **S. 3677 ADDABBO** -- Includes certain activity in transit and transportation facilities with the crime of criminal trespass in the second degree
- **S. 3716 DEFRANCISCO** -- Relates to possession of firearms on property owned by or held in trust for SUNY ESF
- **S. 3845 MARCHIONE** -- Relates to the criminal sale of a controlled substance to a person less than fourteen years of age
- **S. 3857 LAVALLE** -- Relates to assaults on nursing professionals and sanitation workers
- **S. 3861 SAVINO** -- Relates to sexual abuse in the first degree where a person is incapable of consent while a passenger on public transportation
- **S. 3882 SAVINO** -- Adds the act of pretending to be an employee of a public utility company or corporation for the purpose of knowingly entering or remaining unlawfully in or upon a premises to the crime of criminal impersonation in the first degree, a class E felony
- **S. 3883 SAVINO** -- Creates the crime of dissemination of an image of a crime victim; makes a person guilty of such crime where the person is a public servant and, while in the course of the public servant's official duties, records a still image or motion picture of a crime victim and broadcasts or publishes such images or motion pictures outside of the course of conduct of the public servant's official duties; makes such crime a class A misdemeanor
- **S. 3887 RANZENHOFER** -- Relates to commitment for intermittent sentences; authorizes commitment in the county where the defendant resides with the consent of the sheriffs of the sentencing court and county of residence of the defendant
- **S. 3913 SAVINO** -- Establishes the crimes of vehicular assault and vehicular manslaughter in an active work zone and intrusion into an active work zone
- **S. 3994 SEWARD** -- Permits owners of private property to post such property to prevent trespass by painting purple markings on trees or markers
- **S. 4060 LANZA** -- Provides for immediate notification to a complainant, in the manner specified by the complainant, of the service of an ex parte order of protection
- **S. 4298 CARLUCCI** -- Includes within the class D felony of forgery in the second degree, the forgery of a certificate of insurance or insurance identification card

- **S. 4299 CARLUCCI** -- Authorizes claiming authorities to retain certain property for law enforcement purposes in civil forfeiture actions for the proceeds of a crime
- **S. 4311 HELMING** -- Expands the offense of assault in the second degree to include the infliction of physical injury to employees of domestic violence shelters and persons seeking shelter in such shelters
- **S. 4421 DEFRANCISCO** -- Relates to criminal mischief in the third degree and criminal mischief in the second degree
- **S. 4777 CARLUCCI** -- Includes making graffiti within hate crimes
- **S. 4898 DIAZ** -- Defines "criminal street gang" and prohibits criminal street gang recruitment of a minor
- **S. 4965 DIAZ** -- Increases promoting prostitution in the fourth degree from a class A misdemeanor to a class E felony
- **S. 4994 LARKIN** -- Creates crimes of cemetery desecration of a veteran
- **S. 5027 HOYLMAN** -- Relates to removing the ten year time period from the crime of persistent sexual abuse
- **S. 5070 LANZA** -- Relates to the rape shield law; rules of evidence regarding the admissibility of evidence of a victim's sexual conduct in sex offense cases
- **S. 5073 LANZA** -- Makes permanent certain provisions relating to electronic court appearance in certain counties
- **S. 5195-A LANZA** -- Relates to granting certain court reporters peace officer status
- **S. 5213 STAVISKY** -- Permits access to a crime victim to information about status of case he or she was involved in and the right to participate in the proceedings of a juvenile offender
- **S. 5220 STAVISKY** -- Requires victims be notified of right to make a victim impact statement and allows them to personally appear at parole hearing and make such a statement
- **S. 5346-A PERSAUD** -- Relates to unlawfully installing gas meters; makes it a class B misdemeanor
- **S. 5689 HELMING** -- Makes provisions with respect to sexual assault against a child by a person in a position of trust
- **S. 5690-B ALCANTARA** -- Includes within the class D felony of assault in the second degree, the assault of a driver of a for-hire vehicle or transportation network company driver
- **S. 5733 RITCHIE** -- Creates crime of vehicular assault in the third degree; crime is committed by injury to another person while unlawfully passing stopped school bus
- **S. 5988 LANZA** -- Establishes the crime of sex trafficking of a child; intentionally advances or profits from prostitution of another

where such person is a child less than eighteen years old; repeals certain provisions relating to promoting prostitution

- **S. 6022 SERINO** -- Relates to acts of larceny committed against a mentally disabled person; provides a definition of mentally disabled
- **S. 6200 LANZA** -- Provides for family members of a crime victim and interested parties to make statements to members of the parole board; provides that such oral statement shall be made to the members of the state board of parole who will determine whether the defendant is released
- **S. 6211 LANZA** -- Establishes the class D felony of criminal street gang recruitment on school grounds
- **S. 6291 LANZA** -- Provides that conviction of assault on a social worker which prevents him or her from performing a lawful duty is a felony
- **S. 6301 LANZA** -- Makes the inability to pay child support an affirmative defense to non-support of child offenses, rather than an element of such offenses
- **S. 6504 KENNEDY** -- Relates to burglary in the second and third degrees; adds knowingly entering or remaining unlawfully in a vehicle with intent to commit a crime to burglary in the second or third degree

#### **Signed by the Governor**

- **S. 611 BOYLE** -- Relates to adding certain animal fighting conduct as a designated offense for an eavesdropping or video surveillance warrant
- **S. 724-A O'MARA** -- Relates to authorizing the sale and possession of sparkling devices outside of cities with a population of one million or more; removes requirement that localities authorize sparkling devices in their jurisdictions; authorizes counties to opt out if they pass a local law
- **S. 870-A YOUNG** -- Establishes a private right of action for owners and tenants of residential premises against persons video taping recreational activities in the backyard of such premises
- **S. 1022 FUNKE** -- Establishes a person who intentionally obstructs the efforts of any firefighter performing emergency medical care on a sick or injured person is guilty of the crime of obstructing firefighting operations
- **S. 5069 LANZA** -- Relates to procedures for taking an appeal from a court that is not designated a court of record
- **S. 5071 LANZA** -- Relates to waiver of pre-sentence reports
- **S. 5512-A GALLIVAN** -- Includes community centers in the definition of "public place"
- **S. 6042-B ROBACH** -- Relates to the jurisdiction of University of Rochester peace officers



- **S. 6406 LANZA** -- Relates to the duties of the district attorney in cases in which the final disposition includes convictions of certain felonies

**Vetoed by the Governor**

- **S. 640 BOYLE** -- Grants uniformed members of the bureau of fire prevention of the town of Islip peace officer status
- **S. 4769-A SAVINO** -- Relates to the definition of a gravity knife; removes reference to the application of centrifugal force from the definition of a gravity knife
- **S. 5507 HELMING** -- Grants uniformed marine patrol officers in Seneca county peace officer status