



2019 ANNUAL REPORT



New York State
Standing Committee on Codes

CHAIRMAN

CODES

COMMITTEES

COMMERCE, ECONOMIC DEVELOPMENT
AND SMALL BUSINESS

CRIME VICTIMS, CRIME AND
CORRECTION

ETHICS AND INTERNAL GOVERNANCE

FINANCE

JUDICIARY

NEW YORK CITY EDUCATION



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December 31, 2019

The Honorable Andrea Stewart-Cousins
Temporary President and Majority Leader
New York State Senate
Albany, NY 12247


Dear Senator Stewart-Cousins:

I am pleased to transmit the Annual Report of the Senate's Standing Committee on Codes for the 2019 Legislative Session. As Chairperson, I am proud to continue to lead our efforts to address important matters under my committee's jurisdiction.

During the 2019 session, this committee met seven times in session and reported 59 bills. The committee also held four hearings during the off-session – two on the implementation of the new discovery reforms that were passed through this year's budget, and two on repealing Section 50-a of the Civil Rights Law.

I thank my colleagues who served on the committee for their efforts and support of the work that was done in the committee this year, and I thank you for the continued support from the Majority Conference in the committee's operations.

Sincerely,


Jamaal T. Bailey
Chair

2019 LEGISLATIVE SESSION REPORT

NEW YORK STATE SENATE STANDING COMMITTEE ON CODES

Senator Jamaal T. Bailey, Chairperson

Committee Members

Senator Brian A. Benjamin Senator Alessandra Biaggi Senator Andrew Gounardes Senator Todd Kaminsky Senator Brian Kavanagh Senator Zellnor Myrie Senator Diane J. Savino	Senator Andrew J. Lanza, Ranking Member Senator Fred Akshar Senator Phillip M. Boyle Senator Patrick M. Gallivan Senator Thomas O'Mara
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Committee Staff

**Jacqueline Jenkins-Cox, Deputy Chief of Staff
Noel Mendez, Committee Counsel**

COMMITTEE JURISDICTION AND OVERVIEW

The New York State Senate Standing Committee on Codes has legislative oversight responsibilities for issues concerning the Penal Law, the Criminal Procedure Law, the Civil Rights Law, and certain parts of the Executive Law.

During the 2019 Legislative Session, approximately 483 bills were referred to the committee for its review. Of these bills, 59 were reported from the committee, 31 were passed by the Senate, and 19 passed in both houses. This work was conducted through a series of seven committee meetings. A list of all bills that were reported from the committee is provided at the end of this report.

In addition to its regular meetings, the committee held four hearings during the off-session. Topics of these hearings included the repeal of Civil Rights Law section 50-a, and the implementation of the new discovery laws enacted through S1509 – Part LLL of the annual budget.

COMMITTEE HIGHLIGHTS

The following key bills were acted on by the committee in 2019:

- **S101A (KAMINSKY) - Chapter 138 - Limits educational institutions ability to authorize the possession of a weapon on school grounds**
- **S1414-A (PARKER) - Chapter 134 - Establishes certain crimes relating to the criminal possession or manufacture of an undetectable firearm, rifle, or shotgun**
- **S1719-C (MARTINEZ) - Chapter 109 - Establishes the crime of unlawful dissemination or publication of an intimate image**
- **S2374 (GIANARIS) - Chapter 129 - Establishes an extension of time of up to thirty calendar days for national instant background checks**
- **S2438 (KAPLAN) - Chapter 242 - Relates to access to foreign state records concerning previous or present mental illness of applicants for firearms license**
- **S2448 (SEPULVEDA) - Chapter 130 - Prohibits the possession, manufacture, transport and disposition of rapid-fire modification devices**
- **S2449 (MAYER) - Chapter 139 - Establishes the municipal gun buyback program and municipal gun buyback program fund**
- **S2450-A (KRUEGER) - Chapter 135 - Relates to requirements for the safe storage of rifles, shotguns and firearms; repeals sections of law related thereto**
- **S4572 (KAMINSKY) - Chapter 374 - Relates to presidential reprieve, pardon or other form of clemency and previous prosecution**
- **S5450 (BAILEY) - Chapter 279 - Relates to treatment programs and treatment court during interim probation supervision**
- **S6151 (KAVANAGH) - Chapter 104 - Relates to the transport of pistols or revolvers by licensees**
- **S6196 (MAY) - Chapter 354 - Relates to possession of firearms on property owned by or held in trust for SUNY ESF**

TWO HOUSE BILLS

In 2019, 18 of the 483 bills referred to the Standing Committee on Codes passed both houses of the Legislature. Of these bills, the Governor has signed 19 and vetoed zero.

Bill	Sponsor	Summary	Action (Chapter X of 2019, Veto X of 2019, or "On the Governor's Desk" if not yet acted on)
S101-A	KAMINSKY	Limits an educational institution's ability to authorize the possession of a weapon on school grounds to certain officers or agents of a law enforcement agency.	Chapter 138 of 2019
S1414-A	PARKER	Establishes certain crimes relating to the criminal manufacture or possession of an undetectable firearm, rifle, or shotgun.	Chapter 134 of 2019
S1650	SKOUFIS	Requires places of public accommodation, resort or amusement that operate televisions during regular hours of operation to provide closed captioning on certain televisions upon request.	Chapter 295 of 2019

S1719-C	MARTINEZ	Establishes the crime of unlawful dissemination or publication of an intimate image and creates a private right of action for such crime.	Chapter 109 of 2019
S2374	GIANARIS	Establishes a waiting period before a firearm, shotgun or rifle may be delivered to a person; requires either the National Instant Criminal Background Check System (NICS) or its successor has issued a "proceed" response to the licensee, or thirty calendar days have elapsed since the date the licensee, seller, transferor or dealer contacted NICS to initiate a national instant criminal background check and NICS has not notified the licensee, seller, transferor or dealer that the transfer of the firearm, rifle or shotgun to such person should be denied.	Chapter 129 of 2019
S2438	KAPLAN	Relates to access to foreign state records concerning previous or present mental illness of applicants for firearms licenses.	Chapter 242 of 2019

S2448	SEPULVEDA	Prohibits the possession, manufacture, transport and disposition of rapid-fire modification devices.	Chapter 130 of 2019
S2449	MAYER	Establishes the municipal gun buyback program by the division of state police for the voluntary return of guns; establishes the municipal gun buyback program fund to fund the program.	Chapter 139 of 2019
S2450-A	KRUEGER	Amends provisions relating to requirements for the safe storage of rifles, shotguns and firearms; requires sellers to provide notice of the duty to use gun locking devices and otherwise lock guns away from children and other persons not authorized to possess them.	Chapter 135 of 2019
S2508	KAPLAN	Creates the crime of staging a motor vehicle accident.	Chapter 151 of 2019

S2605	KRUEGER	Relates to harassment of a rent regulated tenant.	Chapter 573 of 2019
S4202	SAVINO	Prohibits the manufacture, transport, shipment or possession of an undetectable knife.	Chapter 146 of 2019
S4572	KAMINSKY	Authorizes prosecution where a person receives a presidential reprieve, pardon or other form of clemency when certain conditions are met.	Chapter 374 of 2019
S4657-A	HOYLMAN	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.	Chapter 263 of 2019
S4863	SAVINO	Removes references of gravity knives as a dangerous weapon from certain provisions of the penal law relating to firearms and other dangerous weapons.	Chapter 34 of 2019

S5078	KAPLAN	Relates to the definition of an accusatory instrument; provides that a parking ticket may be an accusatory instrument if certain criteria are met.	Chapter 450 of 2019
S5450	BAILEY	Relates to treatment programs and treatment court during interim probation supervision.	Chapter 279 of 2019
S6151	KAVANAGH	Relates to the transport of pistols or revolvers by licensees.	Chapter 104 of 2019
S6196	MAY	Relates to possession of firearms on property owned by or held in trust for SUNY ESF.	Chapter 354 of 2019

SUMMARY OF COMMITTEE ACTIVITY

Bill	Sponsor	Summary	Significant Action (Chapter X of 2019, Veto X of 2019, On the Governor's Desk, Passed Senate Only, Reported from Committee)
S33	HOYLMAN	Relates to the right of a defendant who has entered a plea of not guilty to an information which charges a misdemeanor to a jury trial.	Committed to Rules
S101-A	KAMINSKY	Limits educational institutions ability to authorize the possession of a weapon on school grounds.	Chapter 138
S335	AKSHAR	Designates offenses against law enforcement officers, firefighters and emergency medical services personnel as hate crimes.	Reported and Committed to Judiciary
S609	BOYLE	Relates to adding animal fighting as a criminal act when referring to enterprise corruption.	Passed Senate
S1054-A	PERSAUD	Relates to unlawfully installing a gas meter.	Passed Senate

S1411-A	PARKER	Relates to reporting a nonemergency incident involving a member of a protected class.	Passed Senate
S1414-A	PARKER	Establishes certain crimes relating to the criminal possession or manufacture of an undetectable firearm, rifle, or shotgun.	Chapter 134
S1650	SKOUFIS	Requires places of public accommodation, resort or amusement that operate televisions during regular hours of operation to provide closed captioning on certain televisions upon request.	Chapter 295
S1719-C	MARTINEZ	Establishes the crime of unlawful dissemination or publication of an intimate image.	Chapter 109
S1785	LANZA	Relates to the enforcement of provisions relating to carriers of household goods by motor vehicles.	Committed to Rules
S1830-B	HOYLMAN	Relates to the functions of the chief administrator of the courts.	Reported and Committed to Finance
S2171	BAILEY	Relates to re-defining the term physically helpless	Committed to Rules

S2177	BAILEY	Relates to burglary in the second degree.	Committed to Rules
S2182	BAILEY	Relates to confidential informants.	Committed to Rules
S2183	BAILEY	Relates to conferring youthful offender status upon conviction of an eligible youth for a misdemeanor.	Committed to Rules
S2341	KAVANAGH	Requires notice of risk of deportation of non-citizens, prior to accepting plea to a misdemeanor or violation.	Committed to Rules
S2374	GIANARIS	Establishes an extension of time of up to thirty calendar days for national instant background checks.	Chapter 129
S2438	KAPLAN	Relates to access to foreign state records concerning previous or present mental illness of applicants for firearms license.	Chapter 242
S2448	SEPULVEDA	Prohibits the possession, manufacture, transport and disposition of rapid-fire modification devices.	Chapter 130

S2449	MAYER	Establishes the municipal gun buyback program and municipal gun buyback program fund.	Chapter 139
S2450-A	KRUEGER	Relates to requirements for the safe storage of rifles, shotguns and firearms; repeals sections of law related thereto.	Chapter 135
S2475	SANDERS	Relates to computer-related crimes.	Passed Senate
S2508	KAPLAN	Creates the crime of staging a motor vehicle accident.	Chapter 151
S2571	BAILEY	Requires police officers and peace officers to issue appearance tickets to individuals charged with certain offenses instead of arresting such individuals.	Reported and Committed to Rules
S2574-A	BAILEY	Establishes the office of special investigation within the department of law.	Reported and Committed to Finance

S2575-A	BAILEY	Requires a law enforcement officer or peace officer who discharges his or her weapon under circumstances where a person could be struck by a bullet to immediately report the incident.	Passed Senate
S2605	KRUEGER	Relates to harassment of a rent regulated tenant.	Chapter 573
S2636	KRUEGER	Includes contacts via text, email or other electronic communication in the definition of the offense of aggravated harassment in the second degree.	Passed Senate
S2647	KRUEGER	Creates the offense of defrauding the government in the first degree and expands the definition of conspiracy in the fourth degree; relates to expanding the definition of tax fraud acts.	Committed to Rules
S2661	SAVINO	Relates to the criminal impersonation of an employee of a public	Passed Senate

		utility company or corporation.	
S2662	SAVINO	Prohibits the dissemination of an image of a crime victim by public servants.	Passed Senate
S2707	KENNEDY	Relates to requiring that certain information be printed on appearance tickets for alleged traffic infractions.	Committed to Rules
S2874-A	BIAGGI	Establishes the crime of sexual harassment.	Committed to Rules
S2938-B	MAYER	Relates to the offenses of rape in the first, second and third degrees; repealer.	Committed to Rules
S2987	HOYLMAN	Relates to limiting the extreme emotional disturbance affirmative defense.	Recommitted, Enacting clause stricken
S3165	MYRIE	Relates to fines for corporations.	Committed to Rules
S3229-A	SAVINO	Relates to offenses committed while in or upon a building, facility, property, vehicle or train	Passed Senate

		owned, leased or operated by the metropolitan transportation authority.	
S3298	KAPLAN	Relates to extortion or coercion related to immigration status.	Committed to Rules
S3314-A	SANDERS	Enacts Carlos' law; relates to crimes involving the death or injury of a worker.	Committed to Rules
S3403-A	GIANARIS	Relates to unlawful dealing in real property.	Committed to Rules
S3457	MONTGOMERY	Relates to allowing a court to waive certain surcharges and fees; repealer.	Passed Senate
S3660	GOUNARDES	Relates to granting peace officer status to traffic enforcement officers and traffic enforcement agents.	Committed to Rules
S3674A	GOUNARDES	Relates to failure to obtain a building permit or certificate of occupancy for a multiple dwelling.	Committed to Rules
S4202	SAVINO	Prohibits the manufacture,	Chapter 146

		transport, shipment or possession of an undetectable knife.	
S4321	SEPULVEDA	Relates to criminal mischief in the third degree and criminal mischief in the second degree.	Committed to Rules
S4345	MARTINEZ	Expands the definition of the offense of coercion in the second degree to include the production or dissemination of intimate images; and relates to the definition of sex offense.	Passed Senate
S4572	KAMINSKY	Relates to presidential reprieve, pardon or other form of clemency and previous prosecution.	Chapter 374
S4581	SANDERS	Relates to the possession of opioid antagonists.	Committed to Rules
S4657-A	HOYLMAN	Establishes the right of tenants to call police or emergency assistance without fear of losing their housing.	Chapter 263

S4673	BENJAMIN	Establishes the offense of official misconduct by release of a sealed record.	Committed to Rules
S4754	GRIFFO	Allows for electronic court appearance in any county of the state, except an appearance at a hearing or trial.	Committed to Rules
S4863	SAVINO	Removes references of gravity knives as a dangerous weapon from certain provisions of the penal law relating to firearms and other dangerous weapons.	Chapter 34
S4981-A	RAMOS	Relates to confidentiality of records in proceedings to vacate convictions for offenses resulting from sex trafficking, labor trafficking and compelling prostitution.	Committed to Rules
S5078	KAPLAN	Relates to the definition of an accusatory instrument.	Chapter 450

S5198-A	BIAGGI	Relates to eliminating the statute of limitations for certain crimes of rape and criminal sexual act.	Committed to Rules
S5450	BAILEY	Relates to treatment programs and treatment court during interim probation supervision.	Chapter 279
S5517	BAILEY	Relates to verdict sheets .	Passed Senate
S6151	KAVANAGH	Relates to the transport of pistols or revolvers by licensees.	Chapter 104
S6196	MAY	Relates to possession of firearms on property owned by or held in trust for SUNY ESF.	Chapter 354



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