



2020 ANNUAL REPORT

NEW YORK STATE SENATE STANDING COMMITTEE ON CODES



Senator Jamaal T. Bailey
Chair

CHAIRMAN

CODES

COMMITTEES

COMMERCE, ECONOMIC DEVELOPMENT
AND SMALL BUSINESS

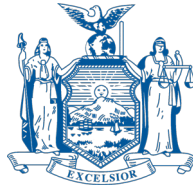
CRIME VICTIMS, CRIME AND
CORRECTION

ETHICS AND INTERNAL GOVERNANCE

FINANCE

JUDICIARY

NEW YORK CITY EDUCATION



**SENATOR
JAMAAL T. BAILEY**

36TH SENATORIAL DISTRICT
STATE OF NEW YORK

ROOM 609
LEGISLATIVE OFFICE BUILDING
ALBANY, NY 12247
OFFICE: 518-455-2061
FAX: 518-426-6998

DISTRICT OFFICE:
959 East 233rd Street
Bronx, New York 10466
Office: 718-547-8854
Fax: 718-515-2718

e-mail:
bailey@nysenate.gov

Webpage:
bailey.nysenate.gov
f @jamaalbailey
t @jamaalbailey
i @jamaalbailey36

December 31, 2020

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 2020 Legislative Session. As Chair, I am proud to continue to lead our efforts in addressing the important matters that fall under my committee's jurisdiction.

During the 2020 session, the committee met six times and reported approximately 48 bills. Due to the ongoing pandemic, we held many of those hearings virtually.

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

December 31, 2020

2020 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 2020 Legislative Session, approximately 565 bills were referred to the committee for review. Of these bills, approximately 48 were reported from the committee, 24 were passed by the Senate, and 14 passed both houses and were signed by the Governor.

COMMITTEE HIGHLIGHTS

The following key bills were acted on by the Committee in 2020:

- **S1830-C (HOYLMAN) – Chapter 102 – Relates to the functions of the chief administrator of the courts; relates to reporting requirements**
- **S2574-C (BAILEY) – Chapter 95 – Establishes the office of special investigation within the office of the attorney general**
- **S2575-B (BAILEY) – Chapter 101 – 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 to his or her superiors**
- **S3253-A (PARKER) – Chapter 100 – Relates to recording certain law enforcement activities; provides that a person not under arrest or in the custody of a law enforcement official has the right to record police activity and to maintain custody and control of that recording and of any property or instruments used by that person to record police activities, however, a person in custody or under arrest does not, by that status alone, forfeit such right to record**
- **S3457 (MONTGOMERY) – Chapter 144 – Relates to allowing a court to waive certain surcharges and fees; authorizes a court to waive certain surcharges and fees for a defendant under the age of 21 under certain circumstances**
- **S6601-B (BAILEY) – Chapter 103 – Provides that when a person is under arrest or otherwise in custody of a police officer, peace officer or other law enforcement representative or entity, such officer, representative or entity shall have a duty to provide attention to the medical and mental health needs of such person**
- **S6670-B (BENJAMIN) – Chapter 94 – Establishes the crime of aggravated strangulation for police officers or peace officers where such officer commits the crime of criminal obstruction or breathing or blood circulation, or uses a chokehold or similar restraint, and causes serious physical injury or death**
- **S8414 (BAILEY) – Chapter 123 – Relates to conducting hearings on a felony complaint during a state disaster emergency; appearances of any party or witness may be by electronic means so long as the judge is able to hear and see the image of each witness and such appearance is comparable to such witness being present in the courtroom**
- **S8415 (BAILEY) – Chapter 98 – Relates to the crime of loitering**
- **S8492 (PARKER) – Chapter 93 – Relates to reporting a non-emergency incident involving a member of a protected class**
- **S8496 (BAILEY) – Chapter 96 – Relates to the disclosure of law enforcement disciplinary records**

TWO HOUSE BILLS

In 2020, 14 of the 565 bills referred to the Standing Committee on Codes passed both houses of the Legislature and were signed by the Governor.

Bill	Sponsor	Summary	Action
S52-A	HOYLMAN	Requires awarding of costs and attorney fees in frivolous actions involving public petition and participation; expands application of actions involving public petition and participation	Signed chapter 250
S1830-C	HOYLMAN	Relates to the functions of the chief administrator of the courts; relates to reporting requirements	Signed chapter 102
S2574-C	BAILEY	Establishes the office of special investigation within the office of the attorney general	Signed chapter 95

S2575-B	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 to his or her superiors	Signed chapter 101
S3253-A	PARKER	Relates to recording certain law enforcement activities; provides that a person not under arrest or in the custody of a law enforcement official has the right to record police activity and to maintain custody and control of that recording and of any property or instruments used by that person to record police activities, however, a person in custody or under arrest does not, by that status alone, forfeit such right to record	Signed chapter 100
S3457	MONTGOMERY	Relates to allowing a court to waive certain surcharges and fees; authorizes a court to waive certain surcharges and fees for a defendant under the age of 21 under certain circumstances	Signed chapter 144
S6401-B	BRESLIN	Permits 4-H certified shooting sports instructors to supervise and instruct persons under sixteen years of age at shooting ranges	Signed chapter 150

S6601-B	BAILEY	Provides that when a person is under arrest or otherwise in custody of a police officer, peace officer or other law enforcement representative or entity, such officer, representative or entity shall have a duty to provide attention to the medical and mental health needs of such person	Signed chapter 103
S6670-B	BENJAMIN	Establishes the crime of aggravated strangulation for police officers or peace officers where such officer commits the crime of criminal obstruction or breathing or blood circulation, or uses a chokehold or similar restraint, and causes serious physical injury or death	Signed chapter 94
S8414	BAILEY	Relates to conducting hearings on a felony complaint during a state disaster emergency; appearances of any party or witness may be by electronic means so long as the judge is able to hear and see the image of each witness and such appearance is comparable to such witness being present in the courtroom	Signed chapter 123
S8415	BAILEY	Relates to the crime of loitering	Signed chapter 98
S8492	PARKER	Relates to reporting a non-emergency incident involving a member of a protected class	Signed chapter 93

S8496	BAILEY	Relates to the disclosure of law enforcement disciplinary records	Signed chapter 96
S8740	LIU	Prohibits the commissioner of corrections and community supervision from promulgating policy to require inmates to waive religious rights in order to participate in inmate programs	Signed chapter 211

SUMMARY OF COMMITTEE ACTIVITY

Bill	Sponsor	Summary	Significant Action
S52-A	HOYLMAN	Requires awarding of costs and attorney fees in frivolous actions involving public petition and participation; expands application of actions involving public petition and participation	Signed chapter 250
S425-A	HOYLMAN	Exempts certain interested parties or people from civil arrest while going to, remaining at, or returning from the place of such court proceeding	Passed Senate
S598	HOYLMAN	Establishes certain offenses relating to structuring and money laundering	Passed Senate
S1054-A	PERSAUD	Relates to unlawfully installing a gas meter; makes it a class B misdemeanor	Passed Senate
S1411-A	PARKER	Relates to reporting a non emergency incident involving a member of a protected class	Advanced to third reading
S1637	BROOKS	Establishes the crime of criminal possession of a flamethrower as a class E felony	Advanced to third reading
S1830-C	HOYLMAN	Relates to the functions of the chief administrator of the courts; relates to reporting requirements	Signed chapter 102
S2361-A	KAVANAGH	Categorizes hate crimes as serious offenses in relation to possession of firearms	Advanced to third reading
S2475	SANDERS	Relates to computer-related crimes	Passed Senate

S2574-C	BAILEY	Establishes the office of special investigation within the office of the attorney general	Signed chapter 95
S2575-B	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 to his or her superiors	Signed chapter 101
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
S2661	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	Passed Senate
S2662	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	Passed Senate
S2874-A	BIAGGI	Establishes the crime of sexual harassment; makes such crime a	Advanced to third reading

		class A misdemeanor	
S3233	SAVINO	Establishes the crimes of vehicular assault and vehicular manslaughter in an active work zone and intrusion into an active work zone	Advanced to third reading
S3253-A	PARKER	Relates to recording certain law enforcement activities; provides that a person not under arrest or in the custody of a law enforcement official has the right to record police activity and to maintain custody and control of that recording and of any property or instruments used by that person to record police activities, however, a person in custody or under arrest does not, by that status alone, forfeit such right to record	Signed chapter 100
S3298	KAPLAN	Relates to extortion or coercion related to immigration status	Advanced to third reading
S3457	MONTGOMERY	Relates to allowing a court to waive certain surcharges and fees; authorizes a court to waive certain surcharges and fees for a defendant under the age of 21 under certain circumstances	Signed chapter 144
S3674-A	GOUNARDES	Relates to failure to obtain an alteration permit or certificate of occupancy for a multiple dwelling; makes such crimes a felony	Advanced to third reading
S3880	MARTINEZ	Designates fire marshals employed in the Long Island Rail Road Company Office of the Fire Marshals as peace officers	Passed Senate
S4171-A	MARTINEZ	Includes within the class D felony of assault in the second degree,	Passed Senate

		the intentional causing of physical injury to a passenger commuter ferry operator or crew	
S4345-A	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
S4707	PARKER	Includes bias-related graffiti in hate crimes	Advanced to third reading
S5517	BAILEY	Relates to verdict sheets by including locations, value or amounts of property, objects or substances, and the manner of sexual contact	Passed Senate
S6152	SEPULVEDA	Relates to commencing an action based upon a restitution order, or profits from a crime, or funds of a convicted person pursuant to article 22 of the executive law	Passed Senate
S6401-B	BRESLIN	Permits 4-H certified shooting sports instructors to supervise and instruct persons under sixteen years of age at shooting ranges	Signed chapter 150
S6437-A	SEPULVEDA	Allows for medical and psychiatric records of deceased inmates to be accessed by the board of correction of the city of New York under certain circumstances	Passed Senate
S6479-A	SALAZAR	Relates to making all single-occupancy bathrooms gender neutral in school districts, charter schools, SUNY, CUNY, community colleges, restaurants, bars, mercantile establishments, factories and state owned or	Passed Senate

		operated buildings	
S6601-B	BAILEY	Provides that when a person is under arrest or otherwise in custody of a police officer, peace officer or other law enforcement representative or entity, such officer, representative or entity shall have a duty to provide attention to the medical and mental health needs of such person	Signed chapter 103
S6633-A	CARLUCCI	Provides that being eighteen years old or more, while in the course of committing rape in the first, second or third degree, criminal sexual act in the first, second or third degree, sexual abuse in the first degree, aggravated sexual abuse in the first, second, third or fourth degree, or incest in the first, second or third degree, against a person less than eighteen years old, he or she intentionally causes the death of such person	Advanced to third reading
S6670-B	BENJAMIN	Establishes the crime of aggravated strangulation for police officers or peace officers where such officer commits the crime of criminal obstruction or breathing or blood circulation, or uses a chokehold or similar restraint, and causes serious physical injury or death	Signed chapter 94
S6679-C	BIAGGI	Prohibits the use of intoxication of the victim as a defense in sex crimes; amends the definition of "mentally incapacitated" to include persons who are voluntarily intoxicated	Passed Senate

S6725-A	CARLUCCI	Establishes the crime of misappropriation of payroll funds when a person knows that funds are designated for use as employee payroll funds or as payment of payroll taxes, and intentionally prevents the funds from being used for their designated purpose	Passed Senate
S6758-B	KAMINSKY	Relates to the disposal of construction and demolition waste; provides penalties for the unlawful disposal and dealing in construction and demolition wastes; requires waste tracking documents for the disposal of construction and demolition waste; creates the crime of scheme to defraud by disposal of solid waste	Passed Senate
S7200	KAPLAN	Allows for the admission of a defendant's previous declarations or statements when the crime committed is a hate crime	Advanced to third reading
S7219	BORRELLO	Designates the uniformed court officers of the town of Busti, in the county of Chautauqua, as peace officers	Passed Senate
S7762	KAPLAN	Enacts the "Scott J. Beigel unfinished receiver act"; relates to unfinished frames or receivers; establishes the crimes of criminal sale of an unfinished frame or receiver in the first, second and third degrees as class C, D and E felonies, respectively	Passed Senate
S7763-A	HOYLMAN	Criminalizes the sale of ghost guns and requires gunsmiths to register and serialize firearms, rifles,	Passed Senate

		shotguns, and unfinished frames or receivers they assemble, manufacture, fabricate, build, or if they fit together the component parts of a firearm, rifle, or shotgun	
S8046	SEPULVEDA	Permits the correctional association to access, visit, inspect, and examine all state correctional facilities without advance notice to the department; during such visits the association shall have the power to interview and converse publicly or confidentially with any correctional employee, any incarcerated individual, and any other person providing services in a state correctional facility, whether or not employed by such facility	Passed Senate
S8146	FUNKE	Grants peace officer status to officers and members of the security force of Rochester General Hospital	Passed Senate
S8414	BAILEY	Relates to conducting hearings on a felony complaint during a state disaster emergency; appearances of any party or witness may be by electronic means so long as the judge is able to hear and see the image of each witness and such appearance is comparable to such witness being present in the courtroom	Signed chapter 123
S8415	BAILEY	Relates to the crime of loitering	Signed chapter 98
S8492	PARKER	Relates to reporting a non-emergency incident involving a member of a protected class	Signed chapter 93

S8496	BAILEY	Relates to the disclosure of law enforcement disciplinary records	Signed chapter 96
S8666	BENJAMIN	Vacates certain records for misdemeanor marijuana convictions	Passed Senate
S8707-A	GIANARIS	Relates to detaining persons for longer than twenty-four hours	Passed Senate
S8740	LIU	Prohibits the commissioner of corrections and community supervision from promulgating policy to require inmates to waive religious rights in order to participate in inmate programs	Signed chapter 211



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