



2021 ANNUAL
REPORT

NEW YORK STATE SENATE STANDING COMMITTEE ON CODES



**SENATOR
JAMAAL T. BAILEY**
CHAIR

CHAIRMAN

CODES

COMMITTEES

CHILDREN & FAMILIES
CRIME VICTIMS, CRIME & CORRECTION
FINANCE
JUDICIARY
MENTAL HEALTH
RULES



SENATOR
JAMAAL T. BAILEY
36TH SENATORIAL DISTRICT
STATE OF NEW YORK

ALBANY OFFICE:
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

 [jamaaltbailey](https://www.facebook.com/jamaaltbailey)

 [@jamaaltbailey](https://twitter.com/jamaaltbailey)

 [jamaaltbailey36](https://www.instagram.com/jamaaltbailey36)

December 31, 2021

The Honorable Andrea Stewart-Cousins
Temporary President and Majority Leader
New York State Senate
Legislative Office Building, Room 907
Albany, NY 12247

Dear Majority Leader Stewart-Cousins,

I am pleased to transmit the Annual Report of the New York State Senate Standing Committee on Codes for the 2021 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 2021 session, the committee met nine times and reported approximately 76 bills out of the committee. Moreover, we held a public hearing on S1553A (the "Clean Slate" act).

I thank my colleagues who served on the committee for their continued effort in discussing and vetting the bills that were reported out of the committee earlier this year, and I thank you for the continued support provided by the Majority Conference in furthering the committee's operations.

Sincerely,

Jamaal T. Bailey
Chair, Senate Standing Committee on Codes

2021 LEGISLATIVE SESSION REPORT

**NEW YORK STATE SENATE
STANDING COMMITTEE ON CODES**

Senator Jamaal T. Bailey, Chair

Committee Members

Senator Alessandra Biaggi Senator Jabari Brisport Senator Jeremy A. Cooney Senator Todd Kaminsky Senator Brian Kavanagh Senator Zellnor Myrie Senator Diane J. Savino	Senator Anthony H. Palumbo Ranking Member Senator Fred Akshar Senator Patrick M. Gallivan Senator Thomas F. O'Mara
---	--

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 2021 Legislative Session, over 500 bills were referred to the Standing Committee on Codes for review. Of these bills, approximately 76 were reported from the committee. The breakdown is as follows: 6 were reported and committed to another committee; 34 advanced to third reading; 21 just passed the Senate; and 15 passed both houses and were ultimately signed by the Governor.

COMMITTEE HIGHLIGHTS

Below is a list of key bills that were acted on by the Committee in 2021:

- **S13A - KAPLAN - An act to amend the penal law, in relation to enacting the "Scott J. Beigel unfinished receiver act" in relation to unfinished frames or receivers - Signed Chapter 519**
- **S14A - HOYLMAN - An act to amend the penal law, in relation to enacting the Jose Webster untraceable firearms act - Signed Chapter 520**
- **S282 - MYRIE - An act to amend the criminal procedure law, in relation to the determination of youthful offender status - Signed Chapter 552**
- **S343A - KAPLAN - An act to amend the penal law, in relation to extortion or coercion related to immigration status - Signed Chapter 447**
- **S1279 - BAILEY - An act to amend the criminal procedure law, in relation to streamlining the assignment of appellate counsel for indigent criminal defendants - Signed Chapter 616**
- **S2803 - BAILEY - An act to amend the criminal procedure law, the correction law, and the executive law, in relation to bona fide work not being considered a parole violation - Signed Chapter 487**
- **S4402B - HOYLMAN - An act to amend the civil rights law, the vehicle and traffic law and the public health law, in relation to enacting the "Gender Recognition Act"; and to repeal subdivision 1 of section 502 of the vehicle and traffic law relating to driver's licenses - Signed Chapter 158**

TWO HOUSE BILLS

In 2021, 15 of the total number of bills that were referred to the Standing Committee on Codes passed both houses of the Legislature and were signed by the Governor.

Bill	Sponsor	Summary	Action
S13A	KAPLAN	An act to amend the penal law, in relation to enacting the "Scott J. Beigel unfinished receiver act" in relation to unfinished frames or receivers	Signed Chapter 519
S14A	HOYLMAN	An act to amend the penal law, in relation to enacting the Jose Webster untraceable firearms act	Signed Chapter 520
S282	MYRIE	An act to amend the criminal procedure law, in relation to the determination of youthful offender status	Signed Chapter 552
S328A	PERSAUD	An act amend the penal law, in relation to unlawfully installing a gas meter	Signed Chapter 274
S343A	KAPLAN	An act to amend the penal law, in relation to extortion or coercion related to immigration status	Signed Chapter 447
S674	RAMOS	An act to amend the criminal procedure law, in relation to vacating convictions for offenses resulting from sex trafficking, labor trafficking and compelling prostitution	Signed chapter 629
S911	SANDERS	An act to amend the criminal procedure law, the civil practice law and rules and the executive law, in relation to the possession of opioid antagonists	Signed Chapter 431

S1217	BENJAMIN	An act to amend the criminal procedure law, in relation to claims of ineffective assistance of counsel in post-conviction motions	Signed Chapter 501
S1279	BAILEY	An act to amend the criminal procedure law, in relation to streamlining the assignment of appellate counsel for indigent criminal defendants	Signed Chapter 616
S1351	HOYLMAN	An act to repeal section 240.37 of the penal law, relating to loitering for the purpose of engaging in a prostitution offense; and to amend the penal law, the criminal procedure law, the social services law and the administrative code of the city of New York, in relation to making technical corrections relating thereto	Signed Chapter 23
S2628	SANDERS	An act to amend the civil rights law, in relation to electronic monitoring	Signed Chapter 583
S2803	BAILEY	An act to amend the criminal procedure law, the correction law, and the executive law, in relation to bona fide work not being considered a parole violation	Signed Chapter 487
S2986A	BROUK	An act to amend the penal law, in relation to coercion in the third degree	Signed Chapter 484
S4402B	HOYLMAN	An act to amend the civil rights law, the vehicle and traffic law and the public health law, in relation to enacting the "Gender Recognition Act"; and to repeal subdivision 1 of section 502 of the vehicle and traffic law relating to driver's licenses	Signed Chapter 158
S5000B	KAVANAGH	An act to amend the penal law, in relation to the purchase and disposal of firearms, rifles and shotguns; and to amend the executive law, in relation to the reporting of firearms seized or recovered by law enforcement	Signed Chapter 236

SUMMARY OF COMMITTEE ACTIVITY

Bill	Sponsor	Summary	Significant Action
S13A	KAPLAN	An act to amend the penal law, in relation to enacting the "Scott J. Beigel unfinished receiver act" in relation to unfinished frames or receivers	Signed Chapter 519
S14A	HOYLMAN	An act to amend the penal law, in relation to enacting the Jose Webster untraceable firearms act	Signed Chapter 520
S50	KAPLAN	An act to amend the general business law, in relation to manufacturers' reporting requirements for the sale or distribution of firearms	Advanced to third reading
S61-Chapter 739	PERSAUD	An act to amend the penal law, in relation to impersonating another by using another's electronic signature	Passed Senate
S124	KAPLAN	An act to amend the criminal procedure law, in relation to the admission of a defendant's previous declarations or statements when the crime committed is a hate crime	Advanced to Third Reading
S209	PERSAUD	An act to amend the penal law, the general business law and the state technology law, in relation to adding medical and health insurance information within the definitions of identity theft	Advanced to Third Reading
S257	MYRIE	An act to amend the criminal procedure law, in relation to motions for resentencing by the people	Advanced to Third Reading
S282	MYRIE	An act to amend the criminal procedure law, in relation to the determination of youthful offender status	Signed Chapter 552
S328A	PERSAUD	An act amend the penal law, in relation to unlawfully installing a gas meter	Signed Chapter 274
S343A	KAPLAN	An act to amend the penal law, in relation to extortion or coercion related to immigration	Signed Chapter 447

		status	
S388	KAPLAN	An act to amend the penal law, in relation to establishing the crimes of spoofing a police agency telephone number in the first and second degrees	Advanced to Third Reading
S403	BIAGGI	An act to amend the penal law, in relation to deeming a person who engages in sexual conduct during the period of their probation with his or her supervising probation officer as being incapable of consent	Passed Senate
S404	BIAGGI	An act to amend the criminal procedure law, in relation to sealed prior domestic violence cases	Passed Senate
S423	HOYLMAN	An act to amend the penal law, in relation to removing a certain time period for the crime of persistent sexual abuse	Advanced to Third Reading
S452A	BIAGGI	An act to amend the penal law, in relation to prohibiting the use of the intoxication of a victim as a defense to a criminal charge for sex crimes and creating an affirmative defense for such criminal charges	Passed Senate
S482A	PERSAUD	An act to amend the criminal procedure law, in relation to jury deliberations	Passed Senate
S621	SANDERS	An act to amend the penal law, in relation to crimes involving the death or injury of a worker	Advanced to Third Reading
S674	RAMOS	An act to amend the criminal procedure law, in relation to vacating convictions for offenses resulting from sex trafficking, labor trafficking and compelling prostitution	Signed chapter 629
S689	HOYLMAN	An act to amend the criminal procedure law, in relation 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	Passed Senate
S745	BIAGGI	An act to amend the criminal procedure law, in relation to admissibility of victim's outcry and disclosures in cases of sexual abuse	Advanced to Third Reading

S842	BIAGGI	An act to amend the penal law, in relation to modifying the offense of "forcible touching" to "unwanted touching" and by removing certain elements of the actor's intent	Advanced to Third Reading
S911	SANDERS	An act to amend the criminal procedure law, the civil practice law and rules and the executive law, in relation to the possession of opioid antagonists	Signed Chapter 431
S1053	MAYER	An act to amend the penal law, in relation to establishing the crime of voyeurism in the first and second degree	Passed Senate
S1184A	GIANARIS	An act to amend the criminal procedure law and the civil practice law and rules, in relation to detaining persons for longer than twenty-four hours	Repassed Senate
S1192B	GIANARIS	An act to amend the penal law, in relation to requiring persons possessing a firearm to hold a firearms safety certificate	Advanced to Third Reading
S1217	BENJAMIN	An act to amend the criminal procedure law, in relation to claims of ineffective assistance of counsel in post-conviction motions	Signed Chapter 501
S1251 - Chapter 764	GIANARIS	An act to amend the executive law, in relation to requiring the division of criminal justice services and the division of state police to publish quarterly reports providing information related to firearms, rifles and shotguns used in the commission of crimes in the state of New York	Passed Senate
S1269	BROOKS	An act to amend the penal law, in relation to adding possession of a flamethrower to the crime of criminal possession of a weapon in the fourth degree	Passed Senate
S1279	BAILEY	An act to amend the criminal procedure law, in relation to streamlining the assignment of appellate counsel for indigent criminal defendants	Signed Chapter 616
S1280	BAILEY	An Act to amend the criminal procedure law, in relation to enabling appellate review of the fairness and appropriateness of an imposed sentence	Advanced to Third Reading

S1281	BAILEY	An act to amend the criminal procedure law, in relation to facilitating appellate review of rulings that implicate issues of public concern	Reported and Committed to Judiciary
S1331	KRUEGER	An act to amend the penal law, in relation to creating the offense of defrauding the government in the first degree and expanding the definition of conspiracy in the fourth degree; and to amend the tax law and the administrative code of the city of New York, in relation to expanding the definition of tax fraud acts	Reported and Committed to Finance
S1351	HOYLMAN	An act to repeal section 240.37 of the penal law, relating to loitering for the purpose of engaging in a prostitution offense; and to amend the penal law, the criminal procedure law, the social services law and the administrative code of the city of New York, in relation to making technical corrections relating thereto	Signed Chapter 23
S1408	GIANARIS	An act to amend the criminal procedure law and the civil practice law and rules, in relation to enacting the "New York no citizen is above the law act"	Passed Senate
S1449A	SANDERS	An act to amend the civil rights law, in relation to discrimination in the ownership of cooperative housing	Advanced to Third Reading
S1477A	KRUEGER	An Act to amend the penal law, in relation to including contacts via text, private message, direct message, email or other electronic communication in the definition of the offense of aggravated harassment in the second degree	Passed Senate
S1553C	MYRIE	An act to amend the criminal procedure law, the executive law and the correction law, in relation to automatic sealing of certain convictions	Reported and Committed to Finance
S2099	SANDERS	An act to amend the executive law, in relation to prohibiting state or local police from accepting military surplus equipment from the federal government	Advanced to Third Reading
S2115	BAILEY	An act to amend the penal law, in relation to re-defining physically helpless	Passed Senate

S2153	MAY	An act to amend the penal law, in relation to establishing incapacity to consent when a person is a witness to or subject of an investigation under certain circumstances	Advanced to Third Reading
S2563	JORDAN	An act to amend the criminal procedure law, in relation to designating the animal control officer in the town of Sand Lake as a peace officer	Advanced to Third Reading
S2605	HELMING	An act to amend the criminal procedure law, in relation to granting uniformed court officers in the village of Palmyra in Wayne county peace officer status	Advanced to Third Reading
S2628	SANDERS	An act to amend the civil rights law, in relation to electronic monitoring	Signed Chapter 583
S2799	BAILEY	An act to amend the criminal procedure law, in relation to youthful offender determinations	Advanced to Third Reading
S2803	BAILEY	An act to amend the criminal procedure law, the correction law, and the executive law, in relation to bona fide work not being considered a parole violation	Signed Chapter 487
S2857	KAVANAGH	An act to amend the penal law, the criminal procedure law, the general business law, the state technology law and the executive law, in relation to offenses involving theft of identity; and to repeal certain provisions of the criminal procedure law and the penal law relating thereto	Passed Senate
S2903A	KAVANAGH	An act to amend the criminal procedure law, in relation to requiring the court, prior to accepting a plea, to advise the defendant of the risk of deportation if he or she is not a citizen	Passed Senate
S2912	PARKER	An act to amend the criminal procedure law, in relation to establishing mandatory continuing law enforcement education for peace officers	Advanced to Third Reading
S2986A	BROUK	An act to amend the penal law, in relation to coercion in the third degree	Signed Chapter 484

S3020A	PARKER	An act to amend the criminal procedure law and the executive law, in relation to enacting the "New York State Phoenix Act"	Passed Senate
S3183A	GIANARIS	An act to amend the criminal procedure law and the penal law, in relation to abolishing citizen's arrests; and to repeal certain provisions of the criminal procedure law and the family court act relating thereto	Passed Senate
S3357	BAILEY	An act to amend the executive law, in relation to requisite training instruction for police officers for crimes involving sexual assaults; and to amend the social services law, in relation to training for child protective services workers in certain instances	Reported and Committed to Finance
S3375	BAILEY	An act to amend the executive law, in relation to crisis intervention training	Advanced to Third Reading
S3518	BAILEY	An act to amend the executive law, in relation to prohibiting police officers from carrying or using a firearm during any phase of the officer's official duties unless the officer has satisfactorily completed a course of training that meets or exceeds the minimum standards established by the municipal police training council	Advanced to Third Reading
S3624	ORTT	An act to amend the penal law, in relation to processing of firearms license applications for victims of domestic abuse who have been issued an order of protection	Reported and committed to Finance
S3791	COMRIE	An act to amend the penal law, in relation to the misappropriation of payroll funds	Passed Senate
S4002A	BROUK	An act to amend the executive law, in relation to prohibiting the use of chemical agents by police officers against minors	Advanced to Third Reading
S4009A	BRESLIN	An act to amend the penal law, in relation to wage theft	Advanced to Third Reading
S4026	PALUMBO	An act to amend the criminal procedure law, in relation to granting uniformed court officers in the village of Sag Harbor in Suffolk county peace officer status	Advanced to Third Reading
S4052	BAILEY	An act to amend the executive law and the judiciary law, in relation to providing that	Advanced to Third Reading

		criminal history records excludes unresolved cases	
S4116	HOYLMAN	An act to amend the penal law, in relation to requiring semiautomatic pistols manufactured or delivered to any licensed dealer in this state to be capable of microstamping ammunition	Advanced to Third Reading
S4402B	HOYLMAN	An act to amend the civil rights law, the vehicle and traffic law and the public health law, in relation to enacting the "Gender Recognition Act"; and to repeal subdivision 1 of section 502 of the vehicle and traffic law relating to driver's licenses	Signed Chapter 158
S4462	BENJAMIN	An act to amend the executive law, in relation to directing the division of criminal justice services to promulgate safety standards and training requirements for the protection of law enforcement staff against the biological hazards posed by certain persons in custody	Advanced to Third Reading
S4731	REICHLIN-MELNICK	An act to amend the criminal procedure law, in relation to designating uniformed court officers in the town of Ossining, county of Westchester as peace officers	Advanced to Third Reading
S4767	BORRELLO	An act to amend the criminal procedure law, in relation to designating uniformed court officers in the town of Busti, county of Chautauqua, as peace officers	Advanced to Third Reading
S5000B	KAVANAGH	An act to amend the penal law, in relation to the purchase and disposal of firearms, rifles and shotguns; and to amend the executive law, in relation to the reporting of firearms seized or recovered by law enforcement	Signed Chapter 236
S5026	HARCKHAM	An act to amend the criminal procedure law, in relation to requiring police officers to take temporary custody of firearms when responding to reports of family violence	Advanced to Third Reading
S5186	SANDERS	An act to amend the penal law and the education law, in relation to computer-related crimes	Passed Senate
S5372	OBERACKER	An act to amend the penal law, in relation to posting private property	Advanced to Third Reading

S5518	BAILEY	An act to amend the executive law, in relation to establishing the office of expungement within the division of criminal justice services	Reported and Committed to Finance
S5680	LANZA	An act to amend the penal law, in relation to arson in the first degree	Advanced to Third Reading
S6066	GOUNARDES	An act to repeal section 270.25 of the criminal procedure law relating to peremptory challenges of jurors	Advanced to Third Reading
S6069	PARKER	An act to amend the executive law, in relation to assisting state and local law enforcement agencies in establishing a registry to locate certain missing individuals	Advanced to Third Reading
S6187A	SKOUFIS	An act to amend the penal law, in relation to sexual conduct against a child in the second degree	Advanced to Third Reading
S6363	MAYER	An act to amend the criminal procedure law and the family court act, in relation to requiring the court to order the search for and immediate seizure of certain firearms when a defendant willfully refuses to surrender such firearms	Passed Senate
S6443	MAYER	An act to amend the criminal procedure law and the family court act, in relation to orders of protection	Passed Senate



2021 ANNUAL REPORT

NEW YORK STATE SENATE
STANDING COMMITTEE
CODES