

Annual Report 2022



New York State Senate Standing Committee on **Codes**

Senator Jamaal T. Bailey

Chair



Senator Andrea Stewart-Cousins
President Pro Tempore
NYS Senate Majority Leader

CHAIRMAN

CODES

COMMITTEES

CHILDREN & FAMILIES

CRIME VICTIMS, CRIME & CORRECTION

FINANCE

JUDICIARY

RULES

JOINT SENATE TASK FORCE ON OPIOIDS,
ADDICTION AND OVERDOSE PREVENTION



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December 31, 2022

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

Dear Majority Leader Stewart-Cousins:

I am pleased to transmit the Annual Report of the Senate Standing Committee on Codes for the 2022 Legislative Session. As Chair, I am proud to continue leading our efforts in addressing all of the important matters that fall under my committee's jurisdiction.

During the 2022 session, the committee met eight times and reported 74 bills. The committee did not hold public hearings this year.

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

Sincerely,

A handwritten signature in blue ink that reads "Jamaal T. Bailey". The signature is stylized and cursive.

Senator Jamaal T. Bailey

Chair

2022 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 Brian Kavanaugh Senator Zellnor Myrie Senator Diane J. Savino Senator Luis R. Sepulveda	Senator Anthony H. Palumbo Ranking Member Senator Fred Akshar Senator Patrick M. Gallivan Senator Thomas F. O'Mara
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Committee Staff

Jacqueline Jenkins-Cox, Deputy Chief of Staff and Committee Clerk

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 2022 Legislative Session, over 500 bills were referred to the committee for review. Of these bills, 75 were placed on agendas and 74 were reported from committee (one bill was defeated). Of this subset, 30 bills passed the Senate. Five of these 30 bills also passed the Assembly. This work was conducted through a series of eight committee meetings. A list of all bills that were reported from the committee is provided at the end of this report.

The committee did not hold any specific public hearings or roundtable meetings during this session, but as Chair I did participate in the joint legislative public hearings concerning the annual budget.

COMMITTEE HIGHLIGHTS

The following key bills were acted on by the committee in 2022:

- **S1553D - Myrie** - Relates to the automatic sealing of certain convictions - Passed Senate; delivered to Assembly
- **S6363A - Mayer** - Requires the court to order the search for and immediate seizure of certain firearms when a defendant willfully refuses to surrender such firearms- Signed chapter 576 of 2022
- **S6443B - Mayer** - Relates to orders of protection- Signed chapter 577 of 2022

TWO HOUSE BILLS

In 2022, five of the more than 500 bills that were referred to the Standing Committee on Codes passed both houses of the Legislature. Of these bills, the Governor has signed four and vetoed one.

Bill	Sponsor	Summary	Action
S2903A	Kavanagh	Requires notice of risk of deportation of non-citizens, prior to accepting a plea	Veto Memo 94 of 2022
S6363A	Mayer	Requires the court to order the search for and immediate seizure of certain firearms when a defendant willfully refuses to surrender such firearms	Signed chapter 576 of 2022
S6443-B	Mayer	Relates to orders of protection	Signed chapter 577 of 2022
S6966	Gaughran	Repeals certain provisions of the criminal procedure law relating to persons who are police officers	Signed chapter 190 of 2022
S7330	Reichlin-Melnick	Permits the electronic appearance of a defendant in the county of Rockland	Signed chapter 252 of 2022

SUMMARY OF COMMITTEE ACTIVITY

Bill	Sponsor	Summary	Significant Action
S37	Hoylman	Relates to establishing provisions for appeals by a non-party to an intermediate appellate court	Reported and committed to Finance
S50	Kaplan	Relates to manufacturers' reporting the sale or distribution of firearms	Advanced to third reading; committed to Rules
S122	Kaplan	Relates to the display of religious items on dwellings	Advanced to third reading; committed to Rules
S124	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; committed to Rules
S206	Kaplan	Requires town attorneys in the county of Nassau to collect fines	Advanced to third reading; committed to Rules
S209A	Persaud	Adds medical and health insurance information within the definitions of identity theft	Passed Senate; delivered to Assembly
S368	Hoylman	Includes filing certain building permit applications containing false statements regarding tenant occupancy in the offense of offering a false instrument for filing in the first degree	Advanced to third reading; committed to Rules

S388	Kaplan	Establishes the crimes of spoofing a police agency telephone number in the first and second degrees as a class E felony and a class A misdemeanor	Advanced to third reading; committed to Rules
S403	Biaggi	Deems 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; delivered to Assembly
S404	Biaggi	Enables prosecutors to access orders of protection issued in association with sealed prior domestic violence cases	Passed Senate; delivered to Assembly
S406A	Biaggi	Includes instances of sexual conduct against a child less than seventeen years of age to certain sex offenses	Advanced to third reading; committed to Rules
S423	Hoylman	Relates to removing the ten-year time period from the crime of persistent sexual abuse	Passed Senate; delivered to Assembly
S452A	Biaggi	Prohibits the use of intoxication of the victim as a defense in sex crimes and creates an affirmative defense for such crimes	Advanced to third reading; committed to Rules
S482B	Persaud	Relates to jury deliberations; allows for written instructions regarding elements to be supplied to a jury	Passed Senate; delivered to Assembly

S696	Kaplan	Establishes the crimes of criminal trespass on a school bus, school grounds or children's camp	Advanced to third reading; committed to Rules
S754	Biaggi	Relates to permitting support to a vulnerable elderly person testifying in grand jury proceedings	Advanced to third reading; committed to Rules
S773	Thomas	Grants Federal Bureau of Investigation police certain peace officer powers	Advanced to third reading; committed to Rules
S974	Gaughran	Relates to adding criminal facilitation felonies to the definition of criminal act	Advanced to third reading; committed to Rules
S1053A	Mayer	Relates to establishing the crime of voyeurism	Passed Senate; delivered to Assembly
S1184A	Gianaris	Relates to detaining persons for longer than twenty-four hours	Passed Senate; delivered to Assembly
S1192B	Gianaris	Requires persons possessing any firearm to hold a firearms safety certificate	Advanced to third reading; committed to Rules
S1269	Brooks	Establishes the crime of criminal possession of a flamethrower	Passed Senate; delivered to Assembly
S1281	Bailey	Facilitates appellate review of rulings that implicate issues of public concern	Reported and committed to Judiciary

S1331	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	Passed Senate; delivered to Assembly
S1408	Gianaris	Relates to enacting the “New York no citizen is above the law act”	Passed Senate; delivered to Assembly
S1477A	Krueger	Includes contacts via text, email, private message, direct message or other electronic communication in the definition of the offense of aggravated harassment in the second degree	Passed Senate; delivered to Assembly
S1553D	Myrie	Relates to the automatic sealing of certain convictions	Passed Senate; delivered to Assembly
S1624	Gallivan	Directs the division of criminal justice services to accept electronic submission of reports or other information from local law enforcement agencies	Reported and committed to Finance
S1917	Akshar	Designates offenses against law enforcement officers, firefighters and emergency medical services personnel as hate crimes	Reported and committed to Veterans, Homeland Security and Military Affairs
S2115	Bailey	Re-defines the term physically helpless	Passed Senate; Delivered to Assembly

S2150	Serino	Relates to penalties for promotion of a suicide attempt	Reported and committed to Mental Health
S2565	Jordan	Relates to making a murder as the result of a drive-by shooting murder in the first degree	Defeated in Codes
S2605	Helming	Grants uniformed court officers in the village of Palmyra in the county of Wayne peace officer status	Advanced to third reading; committed to Rules
S2789	Sepulveda	Relates to defining a victim of a sexual offense	Passed Senate; delivered to Assembly
S2800C	Bailey	Relates to procedures required for the custodial interrogation of children	Referred to Children and Families; Reported and Committed to Codes; Reported and Committed to Finance
S2903A	Kavanagh	Requires notice of risk of deportation of non-citizens prior to accepting a plea	Delivered to Governor; Vetoed Memo 94
S3020A	Parker	Enacts the "New York State Phoenix Act"	Passed Senate; delivered to Assembly
S3183A	Gianaris	Abolishes citizens arrests; repealer	Passed Senate; delivered to Assembly

S3791	Comrie	Establishes the crime of misappropriation of payroll funds	Passed Senate; delivered to Assembly
S3894	Kennedy	Relates to granting peace officer status to park rangers in Erie county	Advanced to third reading; committed to Rules
S4009A	Breslin	Relates to wage theft	Passed Senate; delivered to Assembly
S4026	Palumbo	Grants uniformed court officers in the village of Sag Harbor in Suffolk county peace officer status	Advanced to third reading; committed to Rules
S4052	Bailey	Relates to undisposed cases; provides that when the division of criminal justice services conducts a search of its criminal history records and returns a report thereon, all references to undisposed cases shall be excluded	Advanced to third reading; committed to Rules
S4284	Hoylman	Relates to allowing the possession and sale of electronic dart guns and electronic stun guns for self-defense	Advanced to third reading; committed to Rules
S4731	Reichlin-Melnick	Designates uniformed court officers in the town of Ossining, county of Westchester, as peace officers	Advanced to third reading; committed to Rules
S5372	Oberacker	Relates to posting of private property	Advanced to third reading; committed to Rules

S5518A	Bailey	Creates the office of expungement	Reported and committed to Finance
S5680	Lanza	Relates to arson in the first degree	Advanced to third reading; committed to Rules
S5768A	Savino	Relates to creating a private right of action for unconsented removal or tampering with a sexually protective device	Advanced to third reading; amended on third reading; committed to Rules
S6069	Parker	Establishes a registry to help locate individuals with autism, Alzheimer's and dementia in the event they go missing	Passed Senate; delivered to Assembly
S6187A	Skoufis	Increases the severity of the offense of sexual conduct against a child in the second degree	Passed Senate; delivered to Assembly
S6304B	Hinchey	Prohibits unlawful dissemination or publication of intimate images created by digitization and of sexually explicit depictions of an individual	Advanced to third reading; committed to Rules
S6363A	Mayer	Requires the court to order the search for and immediate seizure of certain firearms when a defendant willfully refuses to surrender such firearms	Delivered to Governor; signed Chapter 576
S6420A	Skoufis	Relates to establishing the offense of unsolicited disclosure of an intimate image	Advanced to third reading; committed to Rules

S6440	Bailey	Enacts the "criminal forfeiture process act"; repealer	Reported and committed to Finance
S6443B	Mayer	Relates to orders of protection; requires the court to inquire of the defendant and the prosecutor as to the existence and location of any firearm, rifle or shotgun reasonably believed to be owned or possessed by the defendant, and the prosecutor will make reasonable efforts to obtain such information regarding the same and present it to the court	Delivered to Governor; signed chapter 577
S6659	Mayer	Relates to fees charged for a license to carry or possess a pistol or revolver in the county of Westchester	Passed Senate; delivered to Assembly
S6829A	Savino	Establishes the crime of aggravated harassment by means of electronic or digital communication and provides for a private right of action for the unlawful dissemination or publication of deep fakes	Advanced to third reading; committed to Rules
S6857	Bailey	Requires accurate interpretation of statements made by deponents with limited English proficiency in accusatory instruments and supporting depositions	Passed Senate; delivered to Assembly
S6947	Serino	Relates to setting bail for defendants that pose a current physical threat to public safety	Reported and committed to Finance

S6966	Gaughran	Repeals certain provisions of the criminal procedure law relating to persons who are police officers	Delivered to governor; signed chapter 190
S7048	Borrello	Relates to establishing the canine officer health monitoring fund	Reported and committed to consumer protection
S7273	Jackson	Requires reporting to the federal bureau of investigation's national use-of-force data collection program	Reported and committed to Finance
S7330	Reichlin-Melnick	Permits the electronic appearance of a defendant in the county of Rockland	Delivered to governor; signed chapter 252
S7422	Serrano	Prohibits the division of criminal justice services from disclosing pending adjournment in contemplation of dismissals on civil records of arrests and prosecutions	Advanced to third reading; committed to Rules
S7527	Hoylman	Limits the admissibility of evidence of a defendant's creative or artistic expression against such defendant in a criminal proceeding	Passed Senate; Delivered to Assembly
S7562	Salazar	Creates a "purple alert system" for missing victims of domestic violence	Passed Senate; delivered to Assembly
S7646	Kaplan	Establishes the crime of doxing an individual	Advanced to third reading; committed to Rules

S7749	Palumbo	Grants court officers in the town of Shelter Island in Suffolk county peace officer status	Advanced to third reading; committed to Rules
S8164	Kaplan	Establishes the crime of unlawful storage of a firearm leading to use in the commission of a crime	Advanced to third reading; committed to Rules
S8181	Martucci	Relates to authorizing bail and pre-trial detention for arson felonies	Reported and committed to Finance
S8261	Kaplan	Relates to the crime of computer tampering in the third degree	Advanced to third reading; committed to Rules
S8287	Bailey	Establishes an operation SNUG program	Passed Senate; delivered to Assembly
S8296	Liu	Relates to establishing the crime of larceny by cyber extortion	Advanced to third reading; committed to Rules
S8672A	Cooney	Designates as peace officers certain employees of the Monroe county sheriff's office serving as court security deputies at Monroe county court facilities	Advanced to third reading; amended on third reading; committed to Rules



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