

**STATUS:**

**S 7879** RIVERA Same as Uni. [A 10129](#) Rules (Camara)

ON FILE: 06/16/14 Executive Law

TITLE....Enacts the "New York is home act" to establish New York state citizenship, regardless of immigration status, and providing certain rights and benefits to persons with such citizenship; repealer

06/16/14REFERRED TO RULES

**A10129** Rules (Camara) Same as Uni. [S 7879](#) RIVERA

Executive Law

TITLE....Enacts the "New York is home act" to establish New York state citizenship, regardless of immigration status, and providing certain rights and benefits to persons with such citizenship; repealer

06/16/14referred to governmental operations

**SUMMARY:**

RIVERA, ESPAILLAT, KRUEGER, PERKINS, SERRANO

Add Art 14-A SS275 - 275-f, SS243-a & 223-a, amd SS296, 296-a & 296-b, Exec L; amd S5-102, El L; amd SS3 & 89, Pub Off L; amd S5, Tax L; amd S3-503, Gen Ob L; rpld S661 sub 3, amd Ed L, generally; amd S126, ABC L; amd S10, Gen City L; amd Part I S1 Art X, Chap 882 of 1953; amd S3421, Pub Health L; amd SS41, 72 & 89-h, Gen Bus L; amd S440-a, RP L; amd S460, Judy L; amd S502, rpld sub 1, V & T L; rpld S131-k, amd S122, Soc Serv L; add S71-b, Cor L

Enacts the "New York is home act" to establish New York state citizenship, regardless of immigration status, and providing certain rights and benefits to persons with such citizenship.

**BILL TEXT:**

**STATE OF NEW YORK**

S. 7879

A. 10129

**SENATE - ASSEMBLY**

June 16, 2014

IN SENATE -- Introduced by Sen. RIVERA -- read twice and ordered  
print-  
ed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M.  
of

A. Camara) -- read once and referred to the Committee on  
Governmental

Operations

AN ACT to amend the executive law, the election law, the public officers law, the tax law, the general obligations law, the education law, the alcoholic beverage control law, the general city law, chapter 882 of the laws of 1953, establishing a compact with the state of New Jersey for the elimination of criminal and corrupt practices in the handling of waterborne freight within the port of New York district, the public health law, the general business law, the real property law, the judiciary law, the vehicle and traffic law, the social services law and the correction law, in relation to enacting the "New York is home act" to establish New York state citizenship, regardless of federal immigration status, and requiring the provision of certain rights of such citizenship; to repeal subdivision 1 of section 502 of the vehicle and traffic law relating to applications for drivers' licenses; to repeal section 131-k of the social services law relating to illegal aliens; and to repeal subdivision 3 of section 661 of the education law relating to residency for eligibility for student financial aid

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

1 Section 1. Short title. This act shall be known and may be cited  
as  
2 the "New York is home act".  
3 § 2. Legislative findings. The legislature hereby finds that New  
York  
4 is home to over 19.5 million individuals, including workers,  
consumers,  
5 students, neighbors and taxpayers. The wellbeing of this state is  
inex-  
6 tricably linked to the wellbeing of all these New Yorkers. These  
New  
7 Yorkers share a common destiny and common dreams: a thriving New  
York  
8 state replete with healthy families, healthy communities and  
striving  
9 businesses. New York is home to these individuals, regardless of  
their  
10 federal immigration status.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets

[-] is old law to be omitted.

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02-4

S. 7879

2

A.

10129

1 This act addresses the compelling need to lift up all state  
residents,  
2 upon whom this state's society, vibrancy, health and economic  
growth  
3 depend. Our state recognizes the value of those who contribute to  
and  
4 make our state home.  
5 It also makes economic sense to enable all New Yorkers, who are  
pres-  
6 ent in and a part of the fabric of our state, to contribute fully to  
our  
7 state revenue, to participate in our state conversations, and to  
access  
8 benefits that are the foundation of a healthy, thriving New York  
state.  
9 Although the futures of many New Yorkers are undeniably circumscribed  
by  
10 current federal immigration law, many of those New Yorkers also enjoy  
an  
11 inchoate federal permission to be here, and this state enables them  
to  
12 make our state their home, as well. Many of these New Yorkers pay  
taxes,  
13 with approximately \$744 million paid in state and local taxes each  
year.  
14 However, current state law prevents them from accessing equal  
higher  
15 education opportunities, health care benefits, drivers licenses  
and  
16 professional licenses. Denying New Yorkers these benefits means  
denying  
17 the state its full potential to succeed.  
18 The state of New York respects the exclusive province of the  
federal  
19 government to regulate immigration and the flow of immigrants into  
and  
20 out of our country. However, this state retains and asserts its  
historic  
21 authority to define its citizenry, and to affirmatively provide  
state  
22 and local public benefits to citizens of the state of New York.  
The  
23 state seeks to provide such benefits to all of its citizens,  
irrespec-  
24 tive of that individual's eligibility for the same under federal law  
or  
25 pursuant to federal funding. There is nothing in this act that should  
be  
26 deemed to conflict with federal law.

27 § 3. The executive law is amended by adding a new article 14-A to  
read  
28 as follows:

29 ARTICLE 14-A  
30 NEW YORK STATE CITIZENSHIP

31 Section 275. Definitions.

32 275-a. State citizenship; administration.

33 275-b. Eligibility criteria.

34 275-c. Acceptability; benefits.

35 275-d. State agency review.

36 275-e. Severability.

37 275-f. Local laws.

38 § 275. Definitions. As used in this article:

39 1. "New York state citizen" or "citizen" shall mean any individual  
who  
40 satisfies the requirements of subdivision one of section two  
hundred  
41 seventy-five-c of this article.

42 2. "New York state identification card" shall mean the physical  
iden-  
43 tification card that a citizen is eligible to receive, and  
which  
44 includes that citizen's New York state identification number and  
such  
45 card's date of issuance.

46 3. "New York state identification number" shall mean the unique  
iden-  
47 tification number that a citizen is assigned by the office and  
which  
48 appears on such citizen's New York state identification card.

49 4. "Office" shall mean the office for new Americans established by  
the  
50 governor.

51 § 275-a. State citizenship; administration. 1. The provisions of  
this  
52 article shall be administered by the office. The office shall:  
53 (a) recognize the New York state citizenship of any  
individual

54 described in subdivision one of section two hundred seventy-five-b  
of  
55 this article, and grant and renew New York state citizenship to  
any

10129 S. 7879 3 A.

1 individual who meets the criteria set forth in subdivision two  
of  
2 section two hundred seventy-five-b of this article;

3 (b) grant a New York state identification card and New York  
state  
4 identification number to any citizen;

5 (c) grant a renewed New York state identification card and New  
York  
6 state identification number to any citizen described in subdivision  
one  
7 of section two hundred seventy-five-b of this article, and to any  
citi-

8 zen described in subdivision two of section two hundred seventy-  
9 five-b  
10 of this article, who demonstrates that they continue to satisfy  
11 the  
12 criteria set forth therein;  
13 (d) promulgate rules and regulations to effect the purposes of  
14 this  
15 article; and  
16 (e) establish, publicize and administer procedures to grant New  
17 York  
18 state citizenship, New York state identification cards and New  
19 York  
20 state identification numbers.  
21 2. New York state citizenship shall be a continuing status that  
22 shall  
23 end when an individual is no longer a resident of the state. The  
24 New  
25 York state identification card and New York state identification  
26 number  
27 shall be valid for a period of five years after the date of issuance.  
28 § 275-b. Eligibility criteria. Any individual, regardless of his  
29 or  
30 her immigration status, who meets either of the following  
31 requirements  
32 shall be deemed to be a citizen:  
33 1. is a resident of the state who is a citizen of the United  
34 States;  
35 2. is adjudged by the office to satisfy all of the following  
36 criteria:  
37 (a) has proof of identity;  
38 (b) has been a resident of the state for not less than three years;  
39 (c) has paid state resident personal income taxes, pursuant to  
40 article  
41 twenty-two of the tax law, for a period of not less than three  
42 taxable  
43 years; provided however, that such requirement shall not apply to  
44 indi-  
45 viduals who are students, primary caregivers, unable to work due  
46 to  
47 disability, unemployed or otherwise not required pursuant to such  
48 arti-  
49 cle of the tax law to report his or her income;  
50 (d) has pledged to abide by the laws of the state and to uphold  
51 the  
52 provisions of the state constitution; and  
53 (e) has attested to his or her willingness to serve on jury  
54 duty,  
55 pursuant to article sixteen of the judiciary law, and to continue to  
56 pay  
57 any taxes required to be paid by him or her pursuant to any provision  
58 of  
59 state or local law.  
60 3. (a) The state shall not retain originals or copies of  
61 records  
62 provided by an applicant to prove identity or residency or other  
63 eligi-  
64 bility requirements of state citizenship.

42 (b) To the maximum extent allowed by applicable federal and state  
law,  
43 information collected about applicants for state citizenship shall  
be  
44 treated as confidential and shall not be disclosed to government  
enti-  
45 ties or private parties unless such disclosure is:  
46 (i) authorized in writing by the individual to whom such  
information  
47 pertains, or if such individual is a minor or is otherwise not  
legally  
48 competent, by such individual's parent or legal guardian; or  
49 (ii) so ordered by a court of competent jurisdiction.  
50 § 275-c. Acceptability; benefits. 1. Except as otherwise provided  
by  
51 federal law, a New York state identification card shall be accepted  
and  
52 be deemed to be valid government identification where a state  
drivers'  
53 license would be accepted, and the New York state identification  
number  
54 shall be accepted for use in substitution for a social security  
number.  
55 2. Any person in possession of a valid New York state  
identification  
56 card shall not be disqualified from eligibility for any of the  
following

10129 S. 7879 4 A.

1 state benefits by virtue of his or her lack of documentation of  
federal  
2 immigration status:  
3 (a) any license, permit, certificate or grant of permission,  
as  
4 defined in paragraph c of subdivision one of section 3-503 of the  
gener-  
5 al obligations law and required by the laws of this state, its  
political  
6 subdivisions or instrumentalities as a condition for the lawful  
practice  
7 of any occupation, employment, trade, vocation, business or  
profession,  
8 and issued by the state or any political subdivision thereof;  
9 (b) the ability to register for and vote at state and local  
elections,  
10 as provided in section 5-100 of the election law;  
11 (c) public health benefits;  
12 (d) a drivers' license, pursuant to section five hundred two of  
the  
13 vehicle and traffic law; and  
14 (e) benefits governed by articles thirteen and fourteen of the  
educa-  
15 tion law, such as general awards, academic performance awards  
and  
16 student loans for higher education; assistance under the higher  
educa-

17 tion opportunity programs and the collegiate science and  
technology  
18 entry program; financial aid opportunities for students of the  
state  
19 university of New York, the city university of New York and  
community  
20 colleges; and the New York state college choice tuition savings  
program.  
21 3. Nothing in this section shall be deemed to deprive any  
individual  
22 of any benefit received by him or her pursuant to law prior to  
the  
23 effective date of this article.  
24 § 275-d. State agency review. All state agencies shall review  
their  
25 rules and regulations to make sure they are consistent with this  
arti-  
26 cle, and make such necessary changes within one hundred eighty days  
of  
27 the effective date of this article.  
28 § 275-e. Severability. If any clause, sentence, paragraph, section  
or  
29 part of this article shall be adjudged by any court of competent  
juris-  
30 diction to be invalid, such judgment shall not affect, impair or  
invali-  
31 date the remainder thereof, but shall be confined in its operation  
to  
32 the clause, sentence, paragraph, section, or part thereof  
directly  
33 involved in the controversy in which such judgment shall have  
been  
34 rendered.  
35 § 275-f. Local laws. This article shall not prevent the  
establish-  
36 ment, continuing in effect or enforcement of any law or regulation  
of  
37 any political subdivision of the state that protects the rights  
or  
38 fosters the integration of New York state citizens in a manner  
not  
39 inconsistent with the provisions of this article.  
40 § 4. Subdivision 1 of section 5-102 of the election law is amended  
to  
41 read as follows:  
42 1. No person shall be qualified to register for and vote at  
any  
43 election unless he or she is a citizen of the United States or he or  
she  
44 possesses a New York state identification card, and is or will be,  
on  
45 the day of such election, eighteen years of age or over, and a  
resident  
46 of this state and of the county, city or village for a minimum of  
thirty  
47 days next preceding such election.

48 § 5. Subdivision 1 of section 3 of the public officers law, as  
amended  
49 by chapter 44 of the laws of 1982, is amended to read as follows:  
50 1. No person shall be capable of holding a civil office who shall  
not,  
51 at the time he shall be chosen thereto, have attained the age of  
eigh-  
52 teen years, except that in the case of youth boards, youth  
commissions  
53 or recreation commissions only, members of such boards or  
commissions  
54 may be under the age of eighteen years, but must have attained the  
age  
55 of sixteen years on or before appointment to such youth board,  
youth  
56 commission or recreation commission, be a citizen of the United  
States  
S. 7879 5 A.  
10129

1 or a New York state citizen, a resident of the state, and if it be  
a  
2 local office, a resident of the political subdivision or  
municipal  
3 corporation of the state for which he shall be chosen, or within  
which  
4 the electors electing him reside, or within which his official  
functions  
5 are required to be exercised, or who shall have been or shall  
be  
6 convicted of a violation of the selective draft act of the  
United  
7 States, enacted May eighteenth, nineteen hundred seventeen, or the  
acts  
8 amendatory or supplemental thereto, or of the federal selective  
training  
9 and service act of nineteen hundred forty or the acts amendatory  
thereof  
10 or supplemental thereto.

11 § 6. Subparagraphs vi and vii of paragraph (b) of subdivision 2  
of  
12 section 89 of the public officers law, as amended by section 11 of  
part  
13 U of chapter 61 of the laws of 2011, are amended and two new  
subpara-  
14 graphs viii and ix are added to read as follows:  
15 vi. information of a personal nature contained in a workers'  
compen-  
16 sation record, except as provided by section one hundred ten-a of  
the  
17 workers' compensation law; [~~ex~~]  
18 vii. disclosure of electronic contact information, such as an e-  
mail  
19 address or a social network username, that has been collected from  
a  
20 taxpayer under section one hundred four of the real property tax  
law[-];



21 viii. disclosure of information used to obtain New York state  
citizen-  
22 ship on a New York state identification card including but not  
limited  
23 to names, addresses and identifying information of recipients or  
appli-  
24 cants of such citizenship or cards, and any information that  
could  
25 reasonably be expected to lead to such disclosure; or  
26 ix. disclosure of information when disclosure would result in  
iden-  
27 tification of people who are New York state citizens.

28 § 7. Subdivision 2 of section 5 of the tax law, as amended by  
chapter  
29 170 of the laws of 1994, is amended to read as follows:  
30 2. Requiring information. Notwithstanding any other provision of  
law,  
31 every covered agency shall, as part of the procedure for  
granting,  
32 renewing, amending, supplementing or restating the license of any  
person  
33 or at the time the covered agency contracts to purchase or  
purchases  
34 goods or services or leases real or personal property from any  
person,  
35 require that each such person provide to the covered agency  
such  
36 person's federal social security account number ~~[or]~~, federal  
employer  
37 identification number or New York state identification number, or  
~~[both]~~  
38 all such numbers when such person has ~~[both]~~ more than one  
such  
39 ~~[numbers]~~ number, or, where such person does not have such number  
or  
40 numbers, the reason or reasons why such person does not have such  
number  
41 or numbers. Such numbers or reasons shall be obtained by such  
covered  
42 agency as part of the administration of the taxes administered by  
the  
43 commissioner for the purpose of establishing the identification  
of  
44 persons affected by such taxes.

45 § 8. Subparagraph 3 of paragraph (a) of subdivision 3 of section 5  
of  
46 the tax law, as amended by chapter 170 of the laws of 1994, is  
amended  
47 to read as follows:  
48 (3) federal social security account number ~~[or]~~, federal  
employer  
49 identification number or New York state identification number, or  
~~[both]~~  
50 all such numbers where such person has ~~[both]~~ more than one  
such  
51 ~~[numbers]~~ number, or the reason or reasons, furnished by such  
person,

52 why such person does not have such number or numbers.  
53 § 9. The opening paragraph of subdivision 2 of section 3-503 of  
the  
54 general obligations law, as amended by chapter 398 of the laws of  
1997,  
55 is amended to read as follows:  
S. 7879 6 A.  
10129

1 Every applicant for a license or renewal thereof shall provide his  
or  
2 her social security number or, if he or she does not have a social  
secu-  
3 urity number, his or her New York state identification number on  
the  
4 application. Additionally, every applicant for a license or  
renewal  
5 thereof shall certify in the application in a written statement  
under  
6 oath, duly sworn and subscribed, that as of the date the application  
is  
7 filed he or she is (or is not) under obligation to pay child support  
and  
8 that if he or she is under such an obligation, that he or she does  
(or  
9 does not) meet one of the following requirements:

10 § 10. Paragraph (f) of subdivision 6 of section 6506 of the  
education  
11 law, as amended by chapter 133 of the laws of 1982, is amended to  
read  
12 as follows:

13 (f) Citizenship or immigration status: be a United States  
citizen  
14 [~~ex~~], an alien lawfully admitted for permanent residence in the  
United  
15 States or a New York state citizen;

16 § 11. Subdivision 6 of section 6524 of the education law, as  
amended  
17 by chapter 379 of the laws of 2008, is amended to read as follows:

18 (6) Citizenship or immigration status: be a United States  
citizen  
19 [~~ex~~], an alien lawfully admitted for permanent residence in the  
United  
20 States[~~;~~ ~~provided, however that the board of regents may grant a~~  
~~three~~  
21 ~~year waiver for an alien physician to practice in an area which has~~  
~~been~~  
22 ~~designated by the department as medically underserved, except that~~  
~~the~~  
23 ~~board of regents may grant an additional extension not to exceed~~  
~~six~~  
24 ~~years to an alien physician to enable him or her to secure~~  
~~citizenship~~  
25 ~~or permanent resident status, provided such status is being~~  
~~actively~~  
26 ~~pursued; and provided further that the board of regents may grant~~  
~~an~~

27 ~~additional three year waiver, and at its expiration, an extension~~  
for a  
28 ~~period not to exceed six additional years, for the holder of an~~  
H-1b  
29 ~~visa, an O-1 visa, or an equivalent or successor visa thereto]~~ or a  
New

30 York state citizen;  
31 § 12. Subdivision 6 of section 6554 of the education law, as  
amended  
32 by chapter 133 of the laws of 1982, is amended to read as follows:  
33 (6) Citizenship or immigration status: be a United States  
citizen  
34 [~~or~~], an alien lawfully admitted for permanent residence in the  
United  
35 States or a New York state citizen;

36 § 13. Subdivision 6 of section 6604 of the education law, as  
amended  
37 by chapter 403 of the laws of 2002, is amended to read as follows:  
38 (6) Citizenship or immigration status: be a United States  
citizen  
39 [~~or~~], an alien lawfully admitted for permanent residence in the  
United  
40 States [~~; provided, however, that the board of regents may grant a~~  
~~three~~  
41 ~~year waiver for an alien to practice in an area which has been~~  
~~desig-~~  
42 ~~nated a federal dental health professions shortage area, except that~~  
~~the~~  
43 ~~board of regents may grant an additional extension not to exceed~~  
~~six~~  
44 ~~years to an alien to enable him or her to secure citizenship or~~  
~~perma-~~  
45 ~~nent resident status, provided such status is being actively pursued]~~  
or  
46 a New York state citizen;

47 § 14. Subdivision 7 of section 6604-b of the education law, as  
added  
48 by chapter 537 of the laws of 2008, is amended to read as follows:  
49 7. In order to be eligible for a restricted dental faculty license  
an  
50 applicant must be a United States citizen [~~or~~], an alien lawfully  
admit-  
51 ted for permanent residence in the United States [~~; provided,~~  
~~however,~~  
52 ~~that the department may grant a three year waiver for an alien~~  
~~who~~  
53 ~~otherwise meets all other requirements for a restricted dental~~  
~~faculty~~  
54 ~~license except that the department may grant an additional extension~~  
~~not~~  
55 ~~to exceed six years to an alien to enable him or her to secure~~  
~~citizen-~~  
56 ~~ship or permanent resident status, provided such status is being~~  
~~active-~~

1 ~~ly pursued. No current faculty member shall be displaced by the~~  
holder  
2 ~~of a restricted dental faculty license]~~ or a New York state citizen.

3 § 15. Subdivision 6 of section 6609 of the education law, as  
amended  
4 by chapter 403 of the laws of 2002, is amended to read as follows:

5 (6) Citizenship or immigration status: be a United States  
citizen  
6 ~~[or]~~, an alien lawfully admitted for permanent residence in the  
United  
7 States[~~;~~ ~~provided, however, that the board of regents may grant a~~  
~~three~~  
8 ~~year waiver for an alien to practice in an area which has been~~  
~~desig-~~  
9 ~~nated a federal dental health professions shortage area, except that~~  
~~the~~  
10 ~~board of regents may grant an additional extension not to exceed~~  
~~six~~  
11 ~~years to an alien to enable him or her to secure citizenship or~~  
~~perma-~~  
12 ~~nent resident status, provided such status is being actively pursued]~~  
or

13 a New York state citizen;  
14 § 16. Subdivision 6 of section 6704 of the education law, as  
amended

15 by chapter 201 of the laws of 2007, is amended to read as follows:  
16 (6) Citizenship or immigration status: be a United States  
citizen

17 ~~[or]~~, an alien lawfully admitted for permanent residence in the  
United  
18 States[~~;~~ ~~provided, however that the board of regents may grant a~~  
~~one-~~  
19 ~~time three-year waiver for a veterinarian who otherwise meets~~  
~~the~~  
20 ~~requirements of this article and who has accepted an offer to~~  
~~practice~~  
21 ~~veterinary medicine in a county in the state which the department~~  
~~has~~  
22 ~~certified as having a shortage of qualified applicants to fill~~  
~~existing~~  
23 ~~vacancies in veterinary medicine, and provided further that the board~~  
~~of~~  
24 ~~regents may grant an extension of such three-year waiver of not~~  
~~more~~  
25 ~~than one year]~~ or a New York state citizen;

26 § 17. Subdivision 6 of section 6711 of the education law, as  
amended  
27 by chapter 80 of the laws of 2000, is amended to read as follows:

28 6. Citizenship or immigration status: be a United States citizen  
[or]  
29 an alien lawfully admitted for permanent residence in the  
United  
30 States[~~;~~ ~~provided, however that the board of regents may grant a~~  
~~one-~~  
31 ~~time three-year waiver for an animal health technician who~~  
~~otherwise~~

32 ~~meets the requirements of this article and provided further that~~  
the  
33 ~~board of regents may grant an extension of such three-year waiver of~~  
not  
34 ~~more than one year~~] or a New York state citizen;

35 § 18. Subdivision 1 of section 6711-a of the education law, as  
amended  
36 by chapter 333 of the laws of 1990, is amended to read as follows:  
37 1. Eligibility. Persons shall be eligible for a limited permit  
who  
38 fulfill all requirements for a license as a veterinary technician  
except  
39 those relating to the examination [~~and citizenship or permanent~~  
~~resi-~~  
40 ~~dence in the United States~~].

41 § 19. Paragraph 6 of subdivision 1 of section 6805 of the  
education  
42 law, as amended by chapter 133 of the laws of 1982, is amended to  
read  
43 as follows:

44 (6) Citizenship or immigration status: be a United States  
citizen  
45 [~~or~~], an alien lawfully admitted for permanent residence in the  
United  
46 States or a New York state citizen;

47 § 20. Subdivision 6 of section 6955 of the education law, as added  
by  
48 chapter 327 of the laws of 1992, is amended to read as follows:  
49 6. Citizenship or immigration status: be a United States citizen  
[~~or~~],  
50 an alien lawfully admitted for permanent residence in the United  
States  
51 or a New York state citizen.

52 § 21. Paragraph 6 of subdivision 1 of section 7206 of the  
education  
53 law, as amended by chapter 133 of the laws of 1982, is amended to  
read  
54 as follows:

S. 7879 8 A.  
10129

1 (6) Citizenship or immigration status: be a United States  
citizen  
2 [~~or~~], an alien lawfully admitted for permanent residence in the  
United  
3 States or a New York state citizen;

4 § 22. Paragraph 6 of subdivision 1 of section 7206-a of the  
education  
5 law, as amended by chapter 133 of the laws of 1982, is amended to  
read  
6 as follows:

7 (6) Citizenship or immigration status: be a United States  
citizen  
8 [~~or~~], an alien lawfully admitted for permanent residence in the  
United  
9 States or a New York state citizen;

10 § 23. Paragraph 6 of subdivision 1 of section 7324 of the  
education  
11 law, as amended by chapter 133 of the laws of 1982, is amended to  
read

12 as follows:

13 (6) Citizenship or immigration status: be a United States  
citizen

14 ~~[or]~~, an alien lawfully admitted for permanent residence in the  
United  
15 States or a New York state citizen;

16 § 24. Paragraph 6 of subdivision 1 of section 7504 of the  
education

17 law, as amended by chapter 133 of the laws of 1982, is amended to  
read

18 as follows:

19 (6) Citizenship or immigration status: be a United States citizen  
~~[or]~~

20 , an alien lawfully admitted for permanent residence in the  
United  
21 States or a New York state citizen;

22 § 25. Subdivision 5 of section 7804 of the education law, as  
amended

23 by chapter 230 of the laws of 1997, is amended to read as follows:

24 (5) Citizenship or immigration status: be a United States  
citizen

25 ~~[or]~~, an alien lawfully admitted for permanent residence in the  
United  
26 States or a New York state citizen;

27 § 26. Subdivisions 3 and 4 of section 126 of the alcoholic  
beverage

28 control law, subdivision 3 as added by chapter 133 of the laws of  
1982

29 and subdivision 4 as amended by section 50 of subpart B of part C  
of

30 chapter 62 of the laws of 2011, are amended to read as follows:

31 3. A person who is not a citizen of the United States ~~[or]~~, an  
alien

32 lawfully admitted for permanent residence in the United States or a  
New

33 York state citizen.

34 4. A copartnership or a corporation, unless each member of the  
part-

35 nership, or each of the principal officers and directors of the  
corpo-

36 ration, is a citizen of the United States ~~[or]~~, an alien lawfully  
admit-

37 ted for permanent residence in the United States or a New York  
state

38 citizen, not less than twenty-one years of age, and has not  
been

39 convicted of any felony or any of the misdemeanors, specified in  
section

40 eleven hundred forty-six of the former penal law as in force and  
effect

41 immediately prior to September first, nineteen hundred sixty-seven,  
or

42 of an offense defined in section 230.20 or 230.40 of the penal law,  
or  
43 if so convicted has received, subsequent to such conviction, an  
execu-  
44 tive pardon therefor removing this disability a certificate of  
good  
45 conduct granted by the department of corrections and community  
super-  
46 vision, or a certificate of relief from disabilities granted by  
the  
47 department of corrections and community supervision or a court of  
this  
48 state pursuant to the provisions of article twenty-three of  
the  
49 correction law to remove the disability under this section because  
of  
50 such conviction; provided however that a corporation which  
otherwise  
51 conforms to the requirements of this section and chapter may be  
licensed  
52 if each of its principal officers and more than one-half of its  
direc-  
53 tors are citizens of the United States [~~or~~], aliens lawfully  
admitted  
54 for permanent residence in the United States or New York state  
citizens;

55 and provided further that a corporation organized under the not-for-  
pro-  
56 fit corporation law or the education law which otherwise conforms to  
the  
S. 7879 9 A.  
10129

1 requirements of this section and chapter may be licensed if each of  
its  
2 principal officers and more than one-half of its directors are not  
less  
3 than twenty-one years of age and none of its directors are less  
than  
4 eighteen years of age; and provided further that a corporation  
organized  
5 under the not-for-profit corporation law or the education law  
and  
6 located on the premises of a college as defined by section two of  
the  
7 education law which otherwise conforms to the requirements of  
this  
8 section and chapter may be licensed if each of its principal  
officers  
9 and each of its directors are not less than eighteen years of age.  
10 § 27. Section 10 of the general city law, as amended by chapter 133  
of  
11 the laws of 1982, is amended to read as follows:  
12 § 10. Licenses to adult blind persons. The mayor of any city  
shall  
13 have the power to issue a license to any adult blind person for  
the

14 vending of goods, or newspapers in such places as he or she may  
set  
15 aside for this purpose. The license shall be issued for a term of  
one  
16 year and no charge shall be made for the license. A license shall not  
be  
17 issued to a blind person unless he or she is a resident for three  
years  
18 in the city in which application for such license is made, and is  
a  
19 citizen of the United States [~~or~~], an alien lawfully admitted for  
perma-  
20 nent residence in the United States or a New York state citizen.

21 This license shall be revocable only for cause.  
22 § 28. Paragraphs (a) and (c) of subdivision 2 of article X of  
section  
23 1 of part I of chapter 882 of the laws of 1953, establishing a  
compact  
24 with the state of New Jersey for the elimination of criminal and  
corrupt  
25 practices in the handling of waterborne freight within the port of  
New  
26 York district, are amended to read as follows:

27 (a) The full name, residence, business address (if any), place  
and  
28 date of birth, and the social security number or the New York  
state  
29 identification number of the applicant;  
30 (c) The citizenship of the applicant and, if he or she is a  
natural-  
31 ized citizen of the United States, the court and date of his or  
her  
32 naturalization, or if he or she is a New York state citizen, the date  
of  
33 issuance of his or her New York state identification card; and

34 § 29. Paragraph (a) of subdivision 2 of section 3421 of the  
public  
35 health law, as amended by chapter 534 of the laws of 1983, is amended  
to  
36 read as follows:  
37 (a) is a citizen of the United States [~~or~~], an alien lawfully  
admitted  
38 for permanent residence in the United States or a New York  
state  
39 citizen;

40 § 30. Section 41 of the general business law, as amended by  
chapter  
41 321 of the laws of 1983, is amended to read as follows:  
42 § 41. Licenses, how obtained; penalty for carrying on business  
without  
43 license. The mayor or such local licensing authority may from time  
to  
44 time grant, under his or her hand and the official seal of his or  
her  
45 office, to such citizens of the United States, [~~or~~] aliens  
lawfully



46 admitted for permanent residence in the United States or New York  
47 state  
48 citizens, as he or she shall deem proper and who shall produce to him  
49 or  
50 her satisfactory evidence of their good character, a license  
authorizing  
51 such person to carry on the business of a collateral loan broker,  
which  
52 license shall designate the house in which such person shall carry  
on  
53 said business, and no person, corporation, partnership or firm  
shall  
54 carry on the business of a collateral loan broker without being  
duly  
55 licensed, nor in any other house than the one designated in  
said  
56 license, under a penalty of one hundred dollars for each day he, she  
or  
57 they shall exercise or carry on said business without such license or  
at  
58 any other house than the one so designated. Any person receiving  
such

10129 S. 7879 10 A.

1 license shall pay therefor the sum of five hundred dollars for the  
use  
2 of the city yearly where such business is to be conducted in a city  
with  
3 a population of more than one million persons, and where the business  
is  
4 to be conducted elsewhere the fee for such license shall not exceed  
two  
5 hundred fifty dollars yearly, and every such license shall expire  
one  
6 year from the date thereof, and may be renewed on application to  
the  
7 mayor or local licensing authority each and every year on payment of  
the  
8 same sum and upon performance of the other conditions herein  
contained.

9 Every person so licensed shall, at the time of receiving such  
license,  
10 file with the mayor or such local licensing authority granting the  
same  
11 a bond to the local authorities, to be executed by the person  
so  
12 licensed and by two responsible sureties, in the penal sum of ten  
thou-  
13 sand dollars, to be approved by such mayor or local licensing  
authority,  
14 which bond shall be conditioned for the faithful performance of  
the  
15 duties and obligations pertaining to the business so licensed, and  
the  
16 mayor or such local licensing authority shall have full power  
and

17 authority to revoke such license for cause.  
18 § 31. Subdivision 1 of section 72 of the general business law,  
as  
19 amended by chapter 164 of the laws of 2003, is amended to read  
as  
20 follows:  
21 1. If the applicant is a person, the application shall be  
subscribed  
22 by such person, and if the applicant is a firm or partnership the  
appli-  
23 cation shall be subscribed by each individual composing or intending  
to  
24 compose such firm or partnership. The application shall state the  
full  
25 name, age, residences within the past three years, present and  
previous  
26 occupations of each person or individual so signing the same, that  
each  
27 person or individual is a citizen of the United States [~~or~~], an  
alien  
28 lawfully admitted for permanent residence in the United States or a  
New  
29 York state citizen and shall also specify the name of the city, town  
or  
30 village, stating the street and number, if the premises have a  
street  
31 and number, and otherwise such apt description as will reasonably  
indi-  
32 cate the location thereof, where is to be located the principal place  
of  
33 business and the bureau, agency, sub-agency, office or branch office  
for  
34 which the license is desired, and such further facts as may be  
required  
35 by the department of state to show the good character, competency  
and  
36 integrity of each person or individual so signing such application.  
Each  
37 person or individual signing such application shall, together with  
such  
38 application, submit to the department of state, his or her  
photograph,  
39 taken within six months prior thereto in duplicate, in passport size  
and  
40 also two sets of fingerprints of his or her two hands recorded in  
such  
41 manner as may be specified by the secretary of state or the secretary  
of  
42 state's authorized representative. Before approving such application  
it  
43 shall be the duty of the secretary of state or the secretary of  
state's  
44 authorized representative to forward one copy of such fingerprints  
to  
45 the division of criminal justice services. Upon receipt of such  
finger-

46 prints, such division shall forward to the secretary of state a  
report  
47 with respect to the applicant's previous criminal history, if any, or  
a  
48 statement that the applicant has no previous criminal history  
according  
49 to its files. If additional copies of fingerprints are required  
the  
50 applicant shall furnish them upon request. Such fingerprints may  
be  
51 submitted to the federal bureau of investigation for a national  
criminal  
52 history record check. The secretary shall reveal the name of the  
appli-  
53 cant to the chief of police and the district attorney of the  
applicant's  
54 residence and of the proposed place of business and shall request  
of  
55 them a report concerning the applicant's character in the event  
they  
56 shall have information concerning it. The secretary shall take  
such

S. 7879 11 A.  
10129

1 other steps as may be necessary to investigate the honesty, good  
charac-  
2 ter and integrity of each applicant. Every such applicant for a  
license  
3 as private investigator shall establish to the satisfaction of  
the  
4 secretary of state (a) if the applicant be a person, or, (b) in the  
case  
5 of a firm, limited liability company, partnership or corporation,  
at  
6 least one member of such firm, partnership, limited liability company  
or  
7 corporation, has been regularly employed, for a period of not less  
than  
8 three years, undertaking such investigations as those described  
as  
9 performed by a private investigator in subdivision one of section  
seven-  
10 ty-one of this article, as a sheriff, police officer in a city or  
county  
11 police department, or the division of state police, investigator in  
an  
12 agency of the state, county, or United States government, or employee  
of  
13 a licensed private investigator, or has had an equivalent position  
and  
14 experience or that such person or member was an employee of a  
police  
15 department who rendered service therein as a police officer for not  
less  
16 than twenty years or was an employee of a fire department who  
rendered

17 service therein as a fire marshal for not less than twenty years.  
Howev-  
18 er, employment as a watchman, guard or private patrolman shall not  
be  
19 considered employment as a "private investigator" for purposes of  
this  
20 section. Every such applicant for a license as watch, guard or  
patrol  
21 agency shall establish to the satisfaction of the secretary of state  
(a)  
22 if the applicant be a person, or, (b) in the case of a firm,  
limited  
23 liability company, partnership or corporation, at least one member  
of  
24 such firm, partnership, limited liability company or corporation,  
has  
25 been regularly employed, for a period of not less than two  
years,  
26 performing such duties or providing such services as described as  
those  
27 performed or furnished by a watch, guard or patrol agency in  
subdivision  
28 two of section seventy-one of this article, as a sheriff, police  
officer  
29 in a city or county police department, or employee of an agency of  
the  
30 state, county or United States government, or licensed private  
investi-  
31 gator or watch, guard or patrol agency, or has had an equivalent  
posi-  
32 tion and experience; qualifying experience shall have been  
completed  
33 within such period of time and at such time prior to the filing of  
the  
34 application as shall be satisfactory to the secretary of state.  
The  
35 person or member meeting the experience requirement under this  
subdivi-  
36 sion and the person responsible for the operation and management of  
each  
37 bureau, agency, sub-agency, office or branch office of the  
applicant  
38 shall provide sufficient proof of having taken and passed a  
written  
39 examination prescribed by the secretary of state to test their  
under-  
40 standing of their rights, duties and powers as a private  
investigator  
41 and/or watchman, guard or private patrolman, depending upon the work  
to  
42 be performed under the license. In the case of an application  
subscribed  
43 by a resident of the state of New York such application shall  
be  
44 approved, as to each resident person or individual so signing the  
same,

45 but not less than five reputable citizens of the community in which  
such  
46 applicant resides or transacts business, or in which it is proposed  
to  
47 own, conduct, manage or maintain the bureau, agency, sub-agency,  
office  
48 or branch office for which the license is desired, each of whom  
shall  
49 subscribe and affirm as true, under the penalties of perjury, that he  
or  
50 she has personally known the said person or individual for a period  
of  
51 at least five years prior to the filing of such application, that he  
or  
52 she has read such application and believes each of the statements  
made  
53 therein to be true, that such person is honest, of good character  
and  
54 competent, and not related or connected to the person so certifying  
by  
55 blood or marriage. In the case of an application subscribed by a non-  
re-  
56 sident of the state of New York such application shall be approved,  
as

10129 S. 7879 12 A.

1 to each non-resident person or individual so signing the same by  
not  
2 less than five reputable citizens of the community in which such  
appli-  
3 cant resides. The certificate of approval shall be signed by  
such  
4 reputable citizens and duly verified and acknowledged by them before  
an  
5 officer authorized to take oaths and acknowledgment of deeds.  
All  
6 provisions of this section, applying to corporations, shall also  
apply  
7 to joint-stock associations, except that each such joint-stock  
associ-  
8 ation shall file a duly certified copy of its certificate of  
organiza-  
9 tion in the place of the certified copy of its certificate of  
incorpo-  
10 ration herein required.

11 § 32. Subdivision 4 of section 89-h of the general business law,  
as  
12 added by chapter 336 of the laws of 1992, is amended to read as  
follows:

13 4. Citizenship: be a United States citizen [~~or~~], a resident alien  
of  
14 the United States or a New York state citizen;

15 § 33. The opening paragraph of section 440-a of the real property  
law,  
16 as amended by section 23 of part LL of chapter 56 of the laws of  
2010,

17 is amended to read as follows:  
18 No person, co-partnership, limited liability company or  
corporation  
19 shall engage in or follow the business or occupation of, or hold  
himself  
20 or itself out or act temporarily or otherwise as a real estate broker  
or  
21 real estate salesman in this state without first procuring a  
license  
22 therefor as provided in this article. No person shall be entitled to  
a  
23 license as a real estate broker under this article, either as an  
indi-  
24 vidual or as a member of a co-partnership, or as a member or manager  
of  
25 a limited liability company or as an officer of a corporation, unless  
he  
26 or she is twenty years of age or over, a citizen of the United  
States  
27 [~~or~~], an alien lawfully admitted for permanent residence in the  
United  
28 States or a New York state citizen. No person shall be entitled  
to a  
29 license as a real estate salesman under this article unless he or she  
is  
30 over the age of eighteen years. No person shall be entitled to a  
license  
31 as a real estate broker or real estate salesman under this article  
who  
32 has been convicted in this state or elsewhere of a felony, of a  
sex  
33 offense, as defined in subdivision two of section one hundred  
sixty-  
34 eight-a of the correction law or any offense committed outside of  
this  
35 state which would constitute a sex offense, or a sexually  
violent  
36 offense, as defined in subdivision three of section one hundred  
sixty-  
37 eight-a of the correction law or any offense committed outside  
this  
38 state which would constitute a sexually violent offense, and who has  
not  
39 subsequent to such conviction received executive pardon therefor  
or a  
40 certificate of relief from disabilities or a certificate of good  
conduct  
41 pursuant to article twenty-three of the correction law, to remove  
the  
42 disability under this section because of such conviction. No  
person  
43 shall be entitled to a license as a real estate broker or real  
estate  
44 salesman under this article who does not meet the requirements  
of  
45 section 3-503 of the general obligations law.

46 § 34. Section 460 of the judiciary law, as amended by chapter 226  
of  
47 the laws of 1985, is amended to read as follows:  
48 § 460. Examination and admission of attorneys. An applicant for  
admis-  
49 sion to practice as an attorney or counsellor in this state, must  
be  
50 examined and licensed to practice as prescribed in this chapter and  
in  
51 the rules of the court of appeals. Race, creed, color, national  
origin,  
52 alienage ~~[ex]~~, sex, status as a New York state citizen or federal  
immi-  
53 gration card shall constitute no cause for refusing any person  
examina-  
54 tion or admission to practice.  
S. 7879 13 A.  
10129

1 § 35. Subdivision 1 of section 502 of the vehicle and traffic law,  
as  
2 separately amended by chapters 465 and 487 of the laws of 2012,  
is  
3 REPEALED and a new subdivision 1 is added to read as follows:  
4 1. Application for license. (a) Application for a driver's  
license  
5 shall be made to the commissioner. The fee prescribed by law may  
be  
6 submitted with such application. The applicant shall furnish such  
proof  
7 of identity, age, and fitness as may be required by the  
commissioner.  
8 The commissioner may also provide that the application procedure  
shall  
9 include the taking of a photo image or images of the applicant  
in  
10 accordance with rules and regulations prescribed by the commissioner.  
In  
11 addition, the commissioner also shall require that the applicant  
provide  
12 his or her social security number or a New York state  
identification  
13 number and shall provide space on the application so that the  
applicant  
14 may register in the New York state organ and tissue donor registry  
under  
15 section forty-three hundred ten of the public health law with  
the  
16 following stated on the application in clear and conspicuous type:  
17 "You must fill out the following section: Would you like to be  
added  
18 to the Donate Life Registry? Check box for 'yes' or 'skip this  
ques-  
19 tion'."  
20 The commissioner of the department of health shall not  
maintain

21 records of any person who checks "skip this question". Failure to  
check  
22 a box shall not impair the validity of an application, and failure  
to  
23 check "yes" or checking "skip this question" shall not be construed  
to  
24 imply a wish not to donate. In the case of an applicant under  
eighteen  
25 years of age, checking "yes" shall not constitute consent to make  
an  
26 anatomical gift or registration in the donate life registry. Where  
an  
27 applicant has previously consented to make an anatomical gift or  
regis-  
28 tered in the donate life registry, checking "skip this question"  
or  
29 failing to check a box shall not impair that consent or  
registration.  
30 The commissioner shall provide space on the application so that  
the  
31 applicant may request notation upon such license that he or she  
is a  
32 veteran of the United States armed forces. In addition, an  
applicant  
33 for a commercial driver's license who will operate a commercial  
motor  
34 vehicle in interstate commerce shall certify that such applicant  
meets  
35 the requirements to operate a commercial motor vehicle, as set forth  
in  
36 public law 99-570, title XII, and title 49 of the code of federal  
regu-  
37 lations, and all regulations promulgated by the United States  
secretary  
38 of transportation under the hazardous materials transportation act.  
In  
39 addition, an applicant for a commercial driver's license shall  
submit a  
40 medical certificate at such intervals as required by the federal  
motor  
41 carrier safety improvement act of 1999 and Part 383.71(h) of title 49  
of  
42 the code of federal regulations relating to medical certification and  
in  
43 a manner prescribed by the commissioner. For purposes of this  
section  
44 and sections five hundred three, five hundred ten-a, and five  
hundred  
45 ten-aa of this title, the terms "medical certificate" and  
"medical  
46 certification" shall mean a form substantially in compliance with  
the  
47 form set forth in Part 391.43(h) of title 49 of the code of  
federal  
48 regulations. Upon a determination that the holder of a commercial  
driv-



49 er's license has made any false statement, with respect to the  
50 applica-  
51 tion for such license, the commissioner shall revoke such license.  
52 (b) The commissioner shall promulgate rules and regulations  
53 clarifying  
54 that eligibility for a driver's license shall not require an  
55 applicant  
56 to provide a social security number as proof of identity. The  
57 commis-  
58 sioner shall provide for the acceptance of alternative proofs of  
59 identi-  
60 ty, including New York state identification cards, foreign  
61 identifica-  
62 tion cards, foreign birth certificates and foreign passports.  
S. 7879 14 A.

10129

1 § 36. Subdivision 1 of section 502 of the vehicle and traffic law,  
as

2 added by section thirty-five of this act, is amended to read as  
follows:

3 1. Application for license. (a) Application for a driver's  
license

4 shall be made to the commissioner. The fee prescribed by law may  
be

5 submitted with such application. The applicant shall furnish such  
proof

6 of identity, age, and fitness as may be required by the  
commissioner.

7 The commissioner may also provide that the application procedure  
shall

8 include the taking of a photo image or images of the applicant  
in

9 accordance with rules and regulations prescribed by the commissioner.  
In

10 addition, the commissioner also shall require that the applicant  
provide

11 his or her social security number or a New York state  
identification

12 number and [~~shall~~] provide space on the application so that the  
appli-

13 cant may register in the New York state organ and tissue donor  
registry

14 under section forty-three hundred ten of the public health law [~~with~~  
~~the~~

15 ~~following stated on the application in clear and conspicuous type:~~  
16 ~~"You must fill out the following section: Would you like to be~~

17 ~~added~~  
~~to the Donate Life Registry? Check box for 'yes' or 'skip this~~

18 ~~ques-~~  
~~tion'."~~

19 ~~The commissioner of the department of health shall not~~  
~~maintain~~

20 ~~records of any person who checks "skip this question". Failure to~~  
~~check~~

21 ~~a box shall not impair the validity of an application, and failure~~  
~~to~~

22 ~~check "yes" or checking "skip this question" shall not be construed~~  
to  
23 ~~imply a wish not to donate. In the case of an applicant under~~  
eighteen  
24 ~~years of age, checking "yes" shall not constitute consent to make~~  
an  
25 ~~anatomical gift or registration in the donate life registry. Where~~  
an  
26 ~~applicant has previously consented to make an anatomical gift or~~  
regis-  
27 ~~tered in the donate life registry, checking "skip this question"~~  
or  
28 ~~failing to check a box shall not impair that consent or~~  
registration.

29 ~~The commissioner shall provide~~; and space on the application so  
that  
30 the applicant may request notation upon such license that he or she  
is a  
31 veteran of the United States armed forces. In addition, an  
applicant  
32 for a commercial driver's license who will operate a commercial  
motor  
33 vehicle in interstate commerce shall certify that such applicant  
meets  
34 the requirements to operate a commercial motor vehicle, as set forth  
in  
35 public law 99-570, title XII, and title 49 of the code of federal  
regu-  
36 lations, and all regulations promulgated by the United States  
secretary  
37 of transportation under the hazardous materials transportation act.  
In  
38 addition, an applicant for a commercial driver's license shall submit  
a  
39 medical certificate at such intervals as required by the federal  
motor  
40 carrier safety improvement act of 1999 and Part 383.71(h) of title 49  
of  
41 the code of federal regulations relating to medical certification and  
in  
42 a manner prescribed by the commissioner. For purposes of this  
section  
43 and sections five hundred three, five hundred ten-a, and five  
hundred  
44 ten-aa of this title, the terms "medical certificate" and  
"medical  
45 certification" shall mean a form substantially in compliance with  
the  
46 form set forth in Part 391.43(h) of title 49 of the code of  
federal  
47 regulations. Upon a determination that the holder of a commercial  
driv-  
48 er's license has made any false statement, with respect to the  
applica-  
49 tion for such license, the commissioner shall revoke such license.

50 (b) The commissioner shall promulgate rules and regulations  
clarifying

51 that eligibility for a driver's license shall not require an  
applicant  
52 to provide a social security number as proof of identity. The  
commis-  
53 sioner shall provide for the acceptance of alternative proofs of  
identi-  
54 ty, including New York state identification cards, foreign  
identifica-  
55 tion cards, foreign birth certificates and foreign passports.  
S. 7879 15 A.  
10129

1 § 37. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section  
296  
2 of the executive law, paragraph (a) as amended by chapter 80 of the  
laws  
3 of 2009 and paragraphs (b), (c) and (d) as amended by chapter 75 of  
the  
4 laws of 2005, are amended to read as follows:  
5 (a) For an employer or licensing agency, because of an  
individual's  
6 age, race, creed, color, national origin, sexual orientation,  
military  
7 status, sex, disability, predisposing genetic characteristics,  
marital  
8 status, status as a New York state citizen, or domestic violence  
victim  
9 status, to refuse to hire or employ or to bar or to discharge  
from  
10 employment such individual or to discriminate against such individual  
in  
11 compensation or in terms, conditions or privileges of employment.  
12 (b) For an employment agency to discriminate against any  
individual  
13 because of age, race, creed, color, national origin, sexual  
orientation,  
14 military status, sex, disability, predisposing genetic  
characteristics,  
15 status as a New York state citizen, or marital status, in  
receiving,  
16 classifying, disposing or otherwise acting upon applications for  
its  
17 services or in referring an applicant or applicants to an employer  
or  
18 employers.  
19 (c) For a labor organization, because of the age, race, creed,  
color,  
20 national origin, sexual orientation, military status, sex,  
disability,  
21 predisposing genetic characteristics, status as a New York state  
citi-  
22 zen, or marital status of any individual, to exclude or to expel  
from  
23 its membership such individual or to discriminate in any way against  
any  
24 of its members or against any employer or any individual employed by  
an

25 employer.  
26 (d) For any employer or employment agency to print or circulate  
or  
27 cause to be printed or circulated any statement, advertisement or  
publi-  
28 cation, or to use any form of application for employment or to make  
any  
29 inquiry in connection with prospective employment, which  
expresses  
30 directly or indirectly, any limitation, specification or  
discrimination  
31 as to age, race, creed, color, national origin, sexual  
orientation,  
32 military status, sex, disability, predisposing genetic  
characteristics,  
33 status as a New York state citizen, or marital status, or any intent  
to  
34 make any such limitation, specification or discrimination, unless  
based  
35 upon a bona fide occupational qualification; provided, however,  
that  
36 neither this paragraph nor any provision of this chapter or other  
law  
37 shall be construed to prohibit the department of civil service or  
the  
38 department of personnel of any city containing more than one county  
from  
39 requesting information from applicants for civil service  
examinations  
40 concerning any of the aforementioned characteristics, other than  
sexual  
41 orientation, for the purpose of conducting studies to identify  
and  
42 resolve possible problems in recruitment and testing of members  
of  
43 minority groups to insure the fairest possible and equal  
opportunities  
44 for employment in the civil service for all persons, regardless of  
age,  
45 race, creed, color, national origin, sexual orientation,  
military  
46 status, sex, disability, predisposing genetic characteristics, or  
mari-  
47 tal status.  
48 § 38. Paragraphs (b), (c) and (d) of subdivision 1-a of section 296  
of  
49 the executive law, as amended by chapter 106 of the laws of 2003,  
are  
50 amended to read as follows:  
51 (b) To deny to or withhold from any person because of race,  
creed,  
52 color, national origin, sexual orientation, military status, sex,  
age,  
53 disability, status as a New York state citizen, or marital status,  
the  
54 right to be admitted to or participate in a guidance program, an appren-

55 ticeship training program, on-the-job training program, executive  
train-  
56 ing program, or other occupational training or retraining program;  
S. 7879 16 A.

10129

1 (c) To discriminate against any person in his or her pursuit of  
such  
2 programs or to discriminate against such a person in the terms,  
condi-  
3 tions or privileges of such programs because of race, creed,  
color,  
4 national origin, sexual orientation, military status, sex, age,  
status  
5 as a New York state citizen, disability or marital status;

6 (d) To print or circulate or cause to be printed or circulated  
any  
7 statement, advertisement or publication, or to use any form of  
applica-  
8 tion for such programs or to make any inquiry in connection with  
such  
9 program which expresses, directly or indirectly, any limitation,  
spec-  
10 ification or discrimination as to race, creed, color, national  
origin,  
11 sexual orientation, military status, sex, age, status as a New  
York  
12 state citizen, disability or marital status, or any intention to  
make  
13 any such limitation, specification or discrimination, unless based on  
a  
14 bona fide occupational qualification.

15 § 39. Paragraph (a) of subdivision 2 of section 296 of the  
executive  
16 law, as amended by chapter 106 of the laws of 2003, is amended to  
read  
17 as follows:

18 (a) It shall be an unlawful discriminatory practice for any  
person,  
19 being the owner, lessee, proprietor, manager, superintendent, agent  
or  
20 employee of any place of public accommodation, resort or  
amusement,  
21 because of the race, creed, color, national origin, sexual  
orientation,  
22 military status, sex, status as a New York state citizen, or  
disability  
23 or marital status of any person, directly or indirectly, to  
refuse,  
24 withhold from or deny to such person any of the accommodations,  
advan-  
25 tages, facilities or privileges thereof, including the extension  
of  
26 credit, or, directly or indirectly, to publish, circulate,  
issue,  
27 display, post or mail any written or printed communication, notice  
or

28 advertisement, to the effect that any of the accommodations,  
advantages,  
29 facilities and privileges of any such place shall be refused,  
withheld  
30 from or denied to any person on account of race, creed, color,  
national  
31 origin, sexual orientation, military status, sex, status as a New  
York  
32 state citizen, or disability or marital status, or that the patronage  
or  
33 custom thereat of any person of or purporting to be of any  
particular  
34 race, creed, color, national origin, sexual orientation,  
military  
35 status, status as a New York state citizen, sex or marital status,  
or  
36 having a disability is unwelcome, objectionable or not  
acceptable,  
37 desired or solicited.  
38 § 40. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of  
section  
39 296 of the executive law, paragraphs (a), (b) and (c) as amended  
and  
40 paragraph (c-1) as added by chapter 106 of the laws of 2003, are  
amended  
41 to read as follows:  
42 (a) To refuse to sell, rent or lease or otherwise to deny to or  
with-  
43 hold from any person or group of persons such housing  
accommodations  
44 because of the race, creed, color, disability, national origin,  
sexual  
45 orientation, military status, age, sex, marital status, status as a  
New  
46 York state citizen, or familial status of such person or persons, or  
to  
47 represent that any housing accommodation or land is not available  
for  
48 inspection, sale, rental or lease when in fact it is so available.  
49 (b) To discriminate against any person because of his or her  
race,  
50 creed, color, disability, national origin, sexual orientation,  
military  
51 status, age, sex, marital status, status as a New York state citizen,  
or  
52 familial status in the terms, conditions or privileges of any  
publicly-  
53 assisted housing accommodations or in the furnishing of facilities  
or  
54 services in connection therewith.  
55 (c) To cause to be made any written or oral inquiry or record  
concern-  
56 ing the race, creed, color, disability, national origin, sexual  
orien-

1 tation, membership in the reserve armed forces of the United States  
or  
2 in the organized militia of the state, age, sex, marital status,  
status  
3 as a New York state citizen, or familial status of a person seeking  
to  
4 rent or lease any publicly-assisted housing accommodation;  
provided,  
5 however, that nothing in this subdivision shall prohibit a member of  
the  
6 reserve armed forces of the United States or in the organized militia  
of  
7 the state from voluntarily disclosing such membership.  
8 (c-1) To print or circulate or cause to be printed or circulated  
any  
9 statement, advertisement or publication, or to use any form of  
applica-  
10 tion for the purchase, rental or lease of such housing accommodation  
or  
11 to make any record or inquiry in connection with the  
prospective  
12 purchase, rental or lease of such a housing accommodation  
which  
13 expresses, directly or indirectly, any limitation, specification  
or  
14 discrimination as to race, creed, color, national origin, sexual  
orien-  
15 tation, military status, sex, age, disability, marital status, status  
as  
16 a New York state citizen, or familial status, or any intent to make  
any  
17 such limitation, specification or discrimination.  
18 § 41. Subdivisions 3-b, 4 and 5 of section 296 of the executive  
law,  
19 as amended by chapter 106 of the laws of 2003, are amended to read  
as  
20 follows:  
21 3-b. It shall be an unlawful discriminatory practice for any  
real  
22 estate broker, real estate salesperson or employee or agent thereof  
or  
23 any other individual, corporation, partnership or organization for  
the  
24 purpose of inducing a real estate transaction from which any such  
person  
25 or any of its stockholders or members may benefit financially, to  
repre-  
26 sent that a change has occurred or will or may occur in the  
composition  
27 with respect to race, creed, color, national origin, sexual  
orientation,  
28 military status, status as a New York state citizen, sex,  
disability,  
29 marital status, or familial status of the owners or occupants in  
the  
30 block, neighborhood or area in which the real property is located,  
and

31 to represent, directly or indirectly, that this change will or  
may  
32 result in undesirable consequences in the block, neighborhood or area  
in  
33 which the real property is located, including but not limited to  
the  
34 lowering of property values, an increase in criminal or anti-  
social  
35 behavior, or a decline in the quality of schools or other facilities.

36 4. It shall be an unlawful discriminatory practice for an  
education  
37 corporation or association which holds itself out to the public to  
be  
38 non-sectarian and exempt from taxation pursuant to the provisions  
of  
39 article four of the real property tax law to deny the use of its  
facili-  
40 ties to any person otherwise qualified, or to permit the harassment  
of  
41 any student or applicant, by reason of his race, color, religion,  
disa-  
42 bility, national origin, sexual orientation, military status,  
sex,  
43 status as a New York state citizen, age or marital status, except  
that  
44 any such institution which establishes or maintains a policy of  
educat-  
45 ing persons of one sex exclusively may admit students of only one  
sex.

46 5. (a) It shall be an unlawful discriminatory practice for the  
owner,  
47 lessee, sub-lessee, assignee, or managing agent of, or other  
person  
48 having the right to sell, rent or lease a housing  
accommodation,  
49 constructed or to be constructed, or any agent or employee thereof:

50 (1) To refuse to sell, rent, lease or otherwise to deny to or  
withhold  
51 from any person or group of persons such a housing accommodation  
because  
52 of the race, creed, color, national origin, sexual orientation,  
military  
53 status, sex, age, disability, marital status, status as a New York  
state  
54 citizen, or familial status of such person or persons, or to  
represent  
55 that any housing accommodation or land is not available for  
inspection,  
56 sale, rental or lease when in fact it is so available.

S. 7879 18 A.  
10129

1 (2) To discriminate against any person because of race, creed,  
color,  
2 national origin, sexual orientation, military status, sex, age,  
disabil-



3 ity, marital status, status as a New York state citizen, or  
familial  
4 status in the terms, conditions or privileges of the sale, rental  
or  
5 lease of any such housing accommodation or in the furnishing of  
facili-  
6 ties or services in connection therewith.  
7 (3) To print or circulate or cause to be printed or circulated  
any  
8 statement, advertisement or publication, or to use any form of  
applica-  
9 tion for the purchase, rental or lease of such housing accommodation  
or  
10 to make any record or inquiry in connection with the  
prospective  
11 purchase, rental or lease of such a housing accommodation  
which  
12 expresses, directly or indirectly, any limitation, specification  
or  
13 discrimination as to race, creed, color, national origin, sexual  
orien-  
14 tation, military status, sex, age, disability, marital status, status  
as  
15 a New York state citizen, or familial status, or any intent to make  
any  
16 such limitation, specification or discrimination.  
17 The provisions of this paragraph [~~a~~] shall not apply (1) to  
the  
18 rental of a housing accommodation in a building which contains  
housing  
19 accommodations for not more than two families living independently  
of  
20 each other, if the owner resides in one of such housing  
accommodations,  
21 (2) to the restriction of the rental of all rooms in a housing  
accommo-  
22 dation to individuals of the same sex or (3) to the rental of a room  
or  
23 rooms in a housing accommodation, if such rental is by the occupant  
of  
24 the housing accommodation or by the owner of the housing  
accommodation  
25 and the owner resides in such housing accommodation or (4) solely  
with  
26 respect to age and familial status to the restriction of the  
sale,  
27 rental or lease of housing accommodations exclusively to persons  
sixty-  
28 two years of age or older and the spouse of any such person, or  
for  
29 housing intended and operated for occupancy by at least one  
person  
30 fifty-five years of age or older per unit. In determining whether  
hous-  
31 ing is intended and operated for occupancy by persons fifty-five  
years

32 of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of  
the  
33 federal Fair Housing Act of 1988, as amended, shall apply.  
34 (b) It shall be an unlawful discriminatory practice for the  
owner,  
35 lessee, sub-lessee, or managing agent of, or other person having  
the  
36 right of ownership or possession of or the right to sell, rent or  
lease,  
37 land or commercial space:  
38 (1) To refuse to sell, rent, lease or otherwise deny to or  
withhold  
39 from any person or group of persons land or commercial space because  
of  
40 the race, creed, color, national origin, sexual orientation,  
military  
41 status, sex, age, disability, marital status, status as a New York  
state  
42 citizen, or familial status of such person or persons, or to  
represent  
43 that any housing accommodation or land is not available for  
inspection,  
44 sale, rental or lease when in fact it is so available;  
45 (2) To discriminate against any person because of race, creed,  
color,  
46 national origin, sexual orientation, military status, sex, age,  
disabil-  
47 ity, marital status, status as a New York state citizen, or  
familial  
48 status in the terms, conditions or privileges of the sale, rental  
or  
49 lease of any such land or commercial space; or in the furnishing  
of  
50 facilities or services in connection therewith;  
51 (3) To print or circulate or cause to be printed or circulated  
any  
52 statement, advertisement or publication, or to use any form of  
applica-  
53 tion for the purchase, rental or lease of such land or commercial  
space  
54 or to make any record or inquiry in connection with the  
prospective  
55 purchase, rental or lease of such land or commercial space  
which  
56 expresses, directly or indirectly, any limitation, specification  
or  
S. 7879 19 A.  
10129

1 discrimination as to race, creed, color, national origin, sexual  
orien-  
2 tation, military status, sex, age, disability, marital status, status  
as  
3 a New York state citizen, or familial status; or any intent to make  
any  
4 such limitation, specification or discrimination.

5 (4) With respect to age and familial status, the provisions of  
this  
6 paragraph shall not apply to the restriction of the sale, rental  
or  
7 lease of land or commercial space exclusively to persons fifty-  
five  
8 years of age or older and the spouse of any such person, or to  
the  
9 restriction of the sale, rental or lease of land to be used for  
the  
10 construction, or location of housing accommodations exclusively  
for  
11 persons sixty-two years of age or older, or intended and operated  
for  
12 occupancy by at least one person fifty-five years of age or older  
per  
13 unit. In determining whether housing is intended and operated for  
occu-  
14 pancy by persons fifty-five years of age or older, Sec. 807(b) (2)  
(c)  
15 (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988,  
as  
16 amended, shall apply.

17 (c) It shall be an unlawful discriminatory practice for any  
real

18 estate broker, real estate salesperson or employee or agent thereof:

19 (1) To refuse to sell, rent or lease any housing accommodation,  
land  
20 or commercial space to any person or group of persons or to refuse  
to  
21 negotiate for the sale, rental or lease, of any housing  
accommodation,

22 land or commercial space to any person or group of persons because  
of  
23 the race, creed, color, national origin, sexual orientation,  
military

24 status, sex, age, disability, marital status, status as a New York  
state

25 citizen, or familial status of such person or persons, or to  
represent

26 that any housing accommodation, land or commercial space is not  
avail-

27 able for inspection, sale, rental or lease when in fact it is so  
avail-

28 able, or otherwise to deny or withhold any housing accommodation,  
land

29 or commercial space or any facilities of any housing accommodation,  
land

30 or commercial space from any person or group of persons because of  
the

31 race, creed, color, national origin, sexual orientation,  
military

32 status, sex, age, disability, marital status, status as a New York  
state

33 citizen, or familial status of such person or persons.

34 (2) To print or circulate or cause to be printed or circulated  
any

35 statement, advertisement or publication, or to use any form of applica-  
36 tion for the purchase, rental or lease of any housing accommodation,  
37 land or commercial space or to make any record or inquiry in connection  
38 with the prospective purchase, rental or lease of any housing accommo-  
39 dation, land or commercial space which expresses, directly or indirect-  
40 ly, any limitation, specification, or discrimination as to race, creed,  
41 color, national origin, sexual orientation, military status, sex, age,  
42 disability, marital status, status as a New York state citizen, or fami-  
43 lial status; or any intent to make any such limitation, specification or  
44 discrimination.

45 (3) With respect to age and familial status, the provisions of this  
46 paragraph shall not apply to the restriction of the sale, rental or  
47 lease of any land or commercial space exclusively to persons fifty-  
48 five years of age or older and the spouse of any such person, or to the  
49 restriction of the sale, rental or lease of any housing accommodation or  
50 land to be used for the construction or location of housing accommo-  
51 dations for persons sixty-two years of age or older, or intended and  
52 operated for occupancy by at least one person fifty-five years of age or  
53 older per unit. In determining whether housing is intended and operated  
54 for occupancy by persons fifty-five years of age or older, Sec. 807  
(b)  
55 (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the federal Fair Housing Act  
of  
56 1988, as amended, shall apply.

S. 7879 20 A.  
10129

1 (d) It shall be an unlawful discriminatory practice for any  
real  
2 estate board, because of the race, creed, color, national origin, sexual  
sexual  
3 orientation, military status, age, sex, disability, marital status,  
status,  
4 status as a New York state citizen, or familial status of any  
individual  
5 who is otherwise qualified for membership, to exclude or expel  
such  
6 individual from membership, or to discriminate against such  
individual

7 in the terms, conditions and privileges of membership in such board.  
8 (e) It shall be an unlawful discriminatory practice for the  
owner,  
9 proprietor or managing agent of, or other person having the right  
to  
10 provide care and services in, a private proprietary nursing home,  
conva-  
11 lescent home, or home for adults, or an intermediate care facility,  
as  
12 defined in section two of the social services law,  
heretofore  
13 constructed, or to be constructed, or any agent or employee thereof,  
to  
14 refuse to provide services and care in such home or facility to  
any  
15 individual or to discriminate against any individual in the  
terms,  
16 conditions, and privileges of such services and care solely because  
such  
17 individual is a blind person. For purposes of this paragraph, a  
"blind  
18 person" shall mean a person who is registered as a blind person with  
the  
19 commission for the visually handicapped and who meets the definition  
of  
20 a "blind person" pursuant to section three of chapter four  
hundred  
21 fifteen of the laws of nineteen hundred thirteen entitled "An act  
to  
22 establish a state commission for improving the condition of the blind  
of  
23 the state of New York, and making an appropriation therefor".  
24 (f) The provisions of this subdivision, as they relate to age,  
shall  
25 not apply to persons under the age of eighteen years.  
26 (g) It shall be an unlawful discriminatory practice for any  
person  
27 offering or providing housing accommodations, land or commercial  
space  
28 as described in paragraphs (a), (b), and (c) of this subdivision to  
make  
29 or cause to be made any written or oral inquiry or record  
concerning  
30 membership of any person in the state organized militia in relation  
to  
31 the purchase, rental or lease of such housing accommodation, land,  
or  
32 commercial space, provided, however, that nothing in this  
subdivision  
33 shall prohibit a member of the state organized militia from  
voluntarily  
34 disclosing such membership.  
35 § 42. Paragraph (a) of subdivision 9 of section 296 of the  
executive  
36 law, as amended by chapter 106 of the laws of 2003 is amended to read  
as  
37 follows:

38 (a) It shall be an unlawful discriminatory practice for any  
fire  
39 department or fire company therein, through any member or members  
there-  
40 of, officers, board of fire commissioners or other body or office  
having  
41 power of appointment of volunteer firefighters, directly or  
indirectly,  
42 by ritualistic practice, constitutional or by-law prescription, by  
tacit  
43 agreement among its members, or otherwise, to deny to any  
individual  
44 membership in any volunteer fire department or fire company therein,  
or  
45 to expel or discriminate against any volunteer member of a fire  
depart-  
46 ment or fire company therein, because of the race, creed,  
color,  
47 national origin, sexual orientation, military status, status as a  
New  
48 York state citizen, sex or marital status of such individual.  
49 § 43. Subdivision 13 of section 296 of the executive law, as  
amended  
50 by chapter 196 of the laws of 2010, is amended to read as follows:  
51 13. It shall be an unlawful discriminatory practice (i) for any  
person  
52 to boycott or blacklist, or to refuse to buy from, sell to or  
trade  
53 with, or otherwise discriminate against any person, because of the  
race,  
54 creed, color, national origin, sexual orientation, military  
status,  
55 status as a New York state citizen, sex, or disability of such  
person,  
56 or of such person's partners, members, stockholders, directors,  
offi-  
S. 7879 21 A.  
10129

1 cers, managers, superintendents, agents, employees, business  
associates,  
2 suppliers or customers, or (ii) for any person wilfully to do any act  
or  
3 refrain from doing any act which enables any such person to take  
such  
4 action. This subdivision shall not apply to:  
5 (a) Boycotts connected with labor disputes; or  
6 (b) Boycotts to protest unlawful discriminatory practices.  
7 § 44. Subdivisions 1, 2 and 3 of section 296-a of the executive  
law,  
8 as amended by chapter 106 of the laws of 2003, are amended to read  
as  
9 follows:  
10 1. It shall be an unlawful discriminatory practice for any creditor  
or  
11 any officer, agent or employee thereof:

12 a. In the case of applications for credit with respect to  
the  
13 purchase, acquisition, construction, rehabilitation, repair or  
mainte-  
14 nance of any housing accommodation, land or commercial space to  
discrim-  
15 inate against any such applicant because of the race, creed,  
color,  
16 national origin, sexual orientation, military status, age, sex,  
marital  
17 status, disability, status as a New York state citizen, or  
familial  
18 status of such applicant or applicants or any member,  
stockholder,  
19 director, officer or employee of such applicant or applicants, or of  
the  
20 prospective occupants or tenants of such housing accommodation, land  
or  
21 commercial space, in the granting, withholding, extending or  
renewing,  
22 or in the fixing of the rates, terms or conditions of, any such  
credit;  
23 b. To discriminate in the granting, withholding, extending or  
renew-  
24 ing, or in the fixing of the rates, terms or conditions of, any form  
of  
25 credit, on the basis of race, creed, color, national origin,  
sexual  
26 orientation, military status, age, sex, marital status,  
disability,  
27 status as a New York state citizen, or familial status;  
28 c. To use any form of application for credit or use or make any  
record  
29 or inquiry which expresses, directly or indirectly, any  
limitation,  
30 specification, or discrimination as to race, creed, color,  
national  
31 origin, sexual orientation, military status, age, sex, marital  
status,  
32 disability, status as a New York state citizen, or familial status;  
33 d. To make any inquiry of an applicant concerning his or her  
capacity  
34 to reproduce, or his or her use or advocacy of any form of birth  
control  
35 or family planning;  
36 e. To refuse to consider sources of an applicant's income or  
to  
37 subject an applicant's income to discounting, in whole or in  
part,  
38 because of an applicant's race, creed, color, national origin,  
sexual  
39 orientation, military status, age, sex, marital status,  
childbearing  
40 potential, disability, status as a New York state citizen, or  
familial  
41 status;

42 f. To discriminate against a married person because such  
person  
43 neither uses nor is known by the surname of his or her spouse.  
44 This paragraph shall not apply to any situation where the use  
of a  
45 surname would constitute or result in a criminal act.  
46 2. Without limiting the generality of subdivision one of this  
section,  
47 it shall be considered discriminatory if, because of an applicant's  
or  
48 class of applicants' race, creed, color, national origin, sexual  
orien-  
49 tation, military status, age, sex, marital status or disability,  
status  
50 as a New York state citizen, or familial status, (i) an applicant  
or  
51 class of applicants is denied credit in circumstances where other  
appli-  
52 cants of like overall credit worthiness are granted credit, or  
(ii)  
53 special requirements or conditions, such as requiring co-obligors  
or  
54 reapplication upon marriage, are imposed upon an applicant or class  
of  
55 applicants in circumstances where similar requirements or conditions  
are  
56 not imposed upon other applicants of like overall credit worthiness.  
S. 7879 22 A.

10129

1 3. It shall not be considered discriminatory if credit  
differen-  
2 tiations or decisions are based upon factually supportable,  
objective  
3 differences in applicants' overall credit worthiness, which may  
include  
4 reference to such factors as current income, assets and prior  
credit  
5 history of such applicants, as well as reference to any other  
relevant  
6 factually supportable data; provided, however, that no creditor  
shall  
7 consider, in evaluating the credit worthiness of an applicant,  
aggregate  
8 statistics or assumptions relating to race, creed, color,  
national  
9 origin, sexual orientation, military status, sex, status as a New  
York  
10 state citizen, marital status or disability, or to the likelihood of  
any  
11 group of persons bearing or rearing children, or for that reason  
receiv-  
12 ing diminished or interrupted income in the future.  
13 § 45. Paragraph (b) of subdivision 2 of section 296-b of the  
executive  
14 law, as added by chapter 481 of the laws of 2010, is amended to read  
as



15 follows:

16 (b) Subject a domestic worker to unwelcome harassment based on  
gender,  
17 race, religion, status as a New York state citizen or national  
origin,  
18 where such harassment has the purpose or effect of unreasonably  
inter-  
19 fering with an individual's work performance by creating an  
intimidat-

20 ing, hostile, or offensive working environment.  
21 § 46. Paragraph (c) of subdivision 1 of section 122 of the  
social  
22 services law, as amended by chapter 214 of the laws of 1998, is  
amended  
23 to read as follows:

24 (c) The following persons, not described in paragraph (a) or (b)  
of

25 this subdivision, shall, if otherwise eligible, be eligible for  
safety

26 net assistance and medical assistance[, ~~except that medical  
assistance~~

27 ~~shall be limited to care and services (not including care and  
services~~

28 ~~related to an organ transplant procedure) necessary for the treatment  
of~~

29 ~~an emergency medical condition as that term is defined in section  
1903~~

30 ~~of the federal social security act unless and until federal  
financial~~

31 ~~participation is available for the costs of providing medical  
assistance~~

32 ~~provided, however, that any such person who, on the fourth day  
of~~

33 ~~August, nineteen hundred ninety-seven was residing in a  
residential~~

34 ~~health care facility licensed by the department of health or in a  
resi-~~

35 ~~dential facility licensed, operated or funded by the office of  
mental~~

36 ~~health or the office of mental retardation and developmental  
disabili-~~

37 ~~ties, and was in receipt of a medical assistance authorization based  
on~~

38 ~~a finding that he or she was] (i) a person permanently residing in  
the~~

39 United States under color of law [~~shall, if otherwise eligible,  
be~~

40 ~~eligible for medical assistance and provided, further, that any  
such~~

41 ~~person who, on the fourth day of August, nineteen hundred ninety-  
seven,~~

42 ~~was diagnosed as having AIDS, as defined in subdivision one of  
section~~

43 ~~two thousand seven hundred eighty of the public health law, and was  
in~~

44 ~~receipt of medical assistance authorization pursuant to title eleven  
of~~

45 ~~article five of this chapter based on a finding that he or she was~~  
a  
46 ~~person permanently residing in the United States under color of~~  
law  
47 ~~shall, if otherwise eligible, be eligible for medical assistance:~~  
48 ~~(i) a qualified alien who entered the United States less than~~  
five  
49 ~~years earlier or for less than five years has had a status within~~  
the  
50 ~~meaning of the term "qualified alien" as defined in section 431 of~~  
the  
51 ~~federal personal responsibility and work opportunity reconciliation~~  
act  
52 ~~of 1996 (8 U.S. Code 1641), as amended, if such entry occurred on~~  
or  
53 ~~after the twenty-second day of August, nineteen hundred ninety-six;~~  
and  
54 ~~(ii) an alien whose status is not within the meaning of the~~  
term  
55 ~~"qualified alien" as defined in section 431 of the federal~~  
personal  
56 ~~responsibility and work opportunity reconciliation act of 1996 (8~~  
U.S.

10129 S. 7879 23 A.

1 ~~Code 1641), as amended, but who is otherwise permanently residing in~~  
the  
2 ~~United States under color of law], and (ii) New York state citizens~~  
if  
3 otherwise eligible shall only be eligible for medical assistance.

4 § 47. Section 131-k of the social services law is REPEALED.  
5 § 48. The education law is amended by adding a new section 609 to  
read  
6 as follows:

7 § 609. New York DREAM fund commission. 1. (a) There shall be  
created  
8 a New York DREAM fund commission which shall be committed to  
advancing  
9 the educational opportunities of the children of immigrants.  
10 (b) The New York DREAM fund commission shall be composed of  
twelve  
11 members to be appointed as follows:  
12 (i) Four members shall be appointed by the governor;  
13 (ii) Three members shall be appointed by the temporary president  
of  
14 the senate;  
15 (iii) Three members shall be appointed by the speaker of the  
assembly;  
16 (iv) One member shall be appointed by the minority leader of  
the  
17 senate;  
18 (v) One member shall be appointed by the minority leader of the  
assem-  
19 bly;  
20 (c) To the extent practicable, members of such commission  
shall

21 reflect the racial, ethnic, gender, language, and geographic  
diversity  
22 of the state.  
23 (d) To the extent practicable, members of such commission  
shall  
24 include college and university administrators and faculty, and  
other  
25 individuals committed to advancing the educational opportunities of  
the  
26 children of immigrants.  
27 (e) Members of the New York DREAM fund commission shall receive  
no  
28 compensation for their services.  
29 2. (a) The New York DREAM fund commission shall have the power to:  
30 (i) Administer the provisions of this section;  
31 (ii) Create and raise funds for the New York DREAM fund;  
32 (iii) Establish a not-for-profit entity charged with the  
responsibil-  
33 ity of raising funds for the administration of this section and  
any  
34 educational or training programs such commission is tasked with  
adminis-  
35 trating and funding scholarships to students who are children of  
immi-  
36 grants to the United States;  
37 (iv) Publicize the availability of such scholarships from the New  
York  
38 DREAM fund;  
39 (v) Develop criteria and a selection process for the recipients  
of  
40 scholarships from the New York DREAM fund;  
41 (vi) Research issues pertaining to the availability of assistance  
with  
42 the costs of higher education for the children of immigrants and  
other  
43 issues regarding access for and the performance of the children of  
immi-  
44 grants within higher education;  
45 (vii) Establish, publicize, and administer training programs for  
high  
46 school counselors, admissions officers, and financial aid officers  
of  
47 institutions of higher education. The training programs shall  
instruct  
48 participants on the educational opportunities available to college-  
bound  
49 students who are the children of immigrants, including, but not  
limited  
50 to, in-state tuition and scholarship programs. To the extent  
practica-  
51 ble, the New York DREAM fund commission shall offer the training  
program  
52 to school districts and boards of cooperative educational  
services  
53 throughout the state, provided however, that priority shall be given  
to

54 school districts and boards of cooperative educational services  
with  
55 larger number of students who are the children of immigrants over  
school

10129 S. 7879 24 A.

1 districts and boards of cooperative educational services with  
lesser  
2 number of students who are the children of immigrants;  
3 (viii) Establish a public awareness campaign regarding  
educational

4 opportunities available to college bound students who are the  
children

5 of immigrants; and

6 (ix) Establish, by rule, procedures for accepting and  
evaluating

7 applications for scholarships from the children of immigrants and  
issu-

8 ing scholarships to selected student applicants;

9 (b) To receive a scholarship pursuant to this section, a  
student

10 applicant must meet the following qualifications:

11 (i) Have resided with his or her parents or guardians while  
attending

12 a public or private high school in this state;

13 (ii) Have graduated from a public or private high school or  
received

14 the equivalent of a high school diploma in this state;

15 (iii) Have attended a public or private high school in this state  
for

16 at least two years as of the date he or she graduated from high  
school

17 or received the equivalent of a high school diploma;

18 (iv) Have at least one parent or guardian who immigrated to the  
United

19 States.

20 (c) The New York DREAM fund commission and the New York DREAM  
fund

21 shall be funded entirely by private contributions and no state  
funds

22 shall be appropriated to or used by the New York DREAM fund. No  
funds

23 of the New York DREAM fund or the New York DREAM fund commission  
shall

24 be transferred to the general fund or any special revenue fund or  
shall

25 be used for any purpose other than the purposes set forth in  
this

26 section.

27 3. The New York DREAM fund commission and the New York DREAM  
fund

28 shall be subject to the provisions of articles six and seven and  
section

29 seventy-four of the public officers law.

30 § 49. Subdivision 3 of section 661 of the education law is  
REPEALED.

31 § 50. Paragraph a of subdivision 5 of section 661 of the  
education  
32 law, as amended by chapter 466 of the laws of 1977, is amended to  
read  
33 as follows:  
34 a. (i) Except as provided in subdivision two of section six  
hundred  
35 seventy-four of this part and subparagraph (ii) of this paragraph,  
an  
36 applicant for an award at the undergraduate level of study must  
either  
37 [~~(i)~~] (a) have been a legal resident of the state for at least one  
year  
38 immediately preceding the beginning of the semester, quarter or term  
of  
39 attendance for which application for assistance is made, or [~~(ii)~~]  
(b)  
40 be a legal resident of the state and have been a legal resident  
during  
41 his last two semesters of high school either prior to graduation,  
or  
42 prior to admission to college. Provided further that persons shall  
be  
43 eligible to receive awards under section six hundred sixty-eight  
or  
44 section six hundred sixty-nine of this part who are currently  
legal  
45 residents of the state and are otherwise qualified.

46 (ii) An applicant who is not a legal resident of the state  
eligible  
47 pursuant to subparagraph (i) of this paragraph, but is a United  
States  
48 citizen, a permanent lawful resident, a lawful non-immigrant alien,  
a  
49 New York state citizen or an applicant without lawful immigration  
status  
50 shall be eligible for an award at the undergraduate level of  
study  
51 provided that the student:  
52 (a) attended a registered New York state high school for two or  
more  
53 years, graduated from a registered New York state high school  
and  
54 applied for attendance at the institution of higher education for  
the  
55 undergraduate study for which an award is sought within five years  
of  
56 receiving a New York state high school diploma; or

S. 7879 25 A.  
10129

1 (b) attended an approved New York state program for a state  
high  
2 school equivalency diploma, received a state high school  
equivalency  
3 diploma and applied for attendance at the institution of higher  
educa-

4 tion for the undergraduate study for which an award is sought  
within  
5 five years of receiving a state high school equivalency diploma; or  
6 (c) is otherwise eligible for the payment of tuition and fees  
at a  
7 rate no greater than that imposed for resident students of the  
state  
8 university of New York, the city university of New York or  
community  
9 colleges as prescribed in subparagraph eight of paragraph h of  
subdivi-  
10 sion two of section three hundred fifty-five or paragraph (a) of  
subdi-  
11 vision seven of section sixty-two hundred six of this chapter.  
12 Provided, further, that a student without lawful immigration  
status  
13 shall also be required to file an affidavit with such institution  
of  
14 higher education stating that the student has filed an application  
to  
15 legalize his or her immigration status, or will file such an  
application  
16 as soon as he or she is eligible to do so.

17 § 51. Paragraph b of subdivision 5 of section 661 of the  
education

18 law, as amended by chapter 466 of the laws of 1977, is amended to  
read

19 as follows:

20 b. ~~[(i)]~~ (i) Except as otherwise provided in subparagraph (ii) of  
this  
21 paragraph, an applicant for an award at the graduate level of study  
must  
22 either ~~[(i)]~~ (a) have been a legal resident of the state for at  
least  
23 one year immediately preceding the beginning of the semester, quarter  
or  
24 term of attendance for which application for assistance is made,  
or  
25 ~~[(ii)]~~ (b) be a legal resident of the state and have been a legal  
resi-  
26 dent during his last academic year of undergraduate study and  
have  
27 continued to be a legal resident until matriculation in the  
graduate  
28 program.  
29 (ii) An applicant who is not a legal resident of the state  
eligible  
30 pursuant to subparagraph (i) of this paragraph, but is a United  
States  
31 citizen, a permanent lawful resident, a lawful non-immigrant  
alien, a  
32 New York state citizen or an applicant without lawful immigration  
status  
33 shall be eligible for an award at the undergraduate level of  
study  
34 provided that the student:

35 (a) attended a registered approved New York state high school for  
36 two  
37 or more years, graduated from a registered New York state high  
38 school  
39 and applied for attendance at the institution of higher education  
40 for  
41 the graduate study for which an award is sought within ten years  
42 of  
43 receiving a New York state high school diploma; or  
44 (b) attended an approved New York state program for a state  
45 high  
46 school equivalency diploma, received a state high school  
47 equivalency  
48 diploma and applied for attendance at the institution of higher  
49 educa-  
50 tion for the graduate study for which an award is sought within  
51 ten  
52 years of receiving a state high school equivalency diploma; or  
53 (c) is otherwise eligible for the payment of tuition and fees  
54 at a  
55 rate no greater than that imposed for resident students of the  
56 state  
57 university of New York, the city university of New York or  
58 community  
59 colleges as prescribed in subparagraph eight of paragraph h of  
60 subdivi-  
61 sion two of section three hundred fifty-five or paragraph (a) of  
62 subdi-  
63 vision seven of section sixty-two hundred six of this chapter.  
64 Provided, further, that a student without lawful immigration  
65 status  
66 shall also be required to file an affidavit with such institution  
67 of  
68 higher education stating that the student has filed an application  
69 to  
70 legalize his or her immigration status, or will file such an  
71 application  
72 as soon as he or she is eligible to do so.

S. 7879

26

A.

10129

1 § 52. Paragraph d of subdivision 5 of section 661 of the  
2 education  
3 law, as amended by chapter 844 of the laws of 1975, is amended to  
4 read  
5 as follows:  
6 d. If an applicant for an award allocated on a geographic basis  
7 has  
8 more than one residence in this state, his or her residence for  
9 the  
10 purpose of this article shall be his or her place of actual  
11 residence  
12 during the major part of the year while attending school, as  
13 determined  
14 by the commissioner; and further provided that an applicant who does  
15 not

9 have a residence in this state and is eligible for an award pursuant  
to  
10 subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b  
of  
11 this subdivision shall be deemed to reside in the geographic area of  
the  
12 institution of higher education in which he or she attends for  
purposes  
13 of an award allocated on a geographic basis.

14 § 53. Paragraph e of subdivision 5 of section 661 of the  
education  
15 law, as added by chapter 630 of the laws of 2005, is amended to read  
as

16 follows:  
17 e. Notwithstanding any other provision of this article to the  
contra-  
18 ry, the New York state ~~[residency]~~ eligibility ~~[requirement]~~

~~require-~~  
19 ments for receipt of awards ~~[is]~~ set forth in paragraphs a and b of  
this  
20 subdivision are waived for a member, or the spouse or dependent of  
a  
21 member, of the armed forces of the United States on full-time  
active  
22 duty and stationed in this state.

23 § 54. Paragraph h of subdivision 2 of section 355 of the education  
law  
24 is amended by adding a new subparagraph 10 to read as follows:

25 (10) Such regulations shall further provide that any student who  
is  
26 not a legal resident of New York state but is a United States  
citizen, a  
27 permanent lawful resident, a lawful non-immigrant alien, a New  
York  
28 state citizen or an applicant without lawful immigration status may  
have  
29 the payment of tuition and other fees and charges reduced by state-  
aided  
30 programs, scholarships or other financial assistance awarded under  
the  
31 provisions of articles thirteen, thirteen-A, fourteen and fourteen-A  
of  
32 this chapter, provided that the student meets the requirements set  
forth  
33 in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph  
b  
34 of subdivision five of section six hundred sixty-one of this chapter,  
as  
35 applicable.

36 § 55. Subdivision 7 of section 6206 of the education law is amended  
by  
37 adding a new paragraph (d) to read as follows:

38 (d) The trustees shall further provide that any student who is  
not a  
39 legal resident of New York state but is a United States citizen,  
a



40 permanent lawful resident, a lawful non-immigrant alien, a New  
York  
41 state citizen or an applicant without lawful immigration status may  
have  
42 the payment of tuition and other fees and charges reduced by state-  
aided  
43 programs, scholarships or other financial assistance awarded under  
the  
44 provisions of articles thirteen, thirteen-A, fourteen and fourteen-A  
of  
45 this chapter, provided that the student meets the requirements set  
forth  
46 in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph  
b  
47 of subdivision five of section six hundred sixty-one of this chapter,  
as  
48 applicable.

49 § 56. Section 6305 of the education law is amended by adding a  
new  
50 subdivision 8-a to read as follows:

51 8-a. The payment of tuition and other fees and charges of a  
student  
52 who is attending a community college and who is not a legal resident  
of  
53 New York state but is a United States citizen, a permanent lawful  
resi-  
54 dent, a lawful non-immigrant alien, a New York state citizen or  
an  
55 applicant without lawful immigration status may be reduced by state-  
aid-  
56 ed programs, scholarships and other financial assistance awarded  
under

S. 7879 27 A.  
10129

1 the provisions of articles thirteen, thirteen-A, fourteen and  
fourteen-A  
2 of this chapter, provided that the student meets the requirements  
set  
3 forth in subparagraph (ii) of paragraph a or subparagraph (ii) of  
para-  
4 graph b of subdivision five of section six hundred sixty-one of  
this  
5 chapter, as applicable.

6 § 57. Paragraph d of subdivision 3 of section 6451 of the  
education  
7 law, as amended by chapter 149 of the laws of 1972, is amended to  
read  
8 as follows:

9 d. Any necessary supplemental financial assistance, which may  
include  
10 the cost of books and necessary maintenance for such enrolled  
students,

11 including students who are New York state citizens and students  
without  
12 lawful immigration status provided that the student meets the  
require-

13 ments set forth in subparagraph (ii) of paragraph a or subparagraph  
14 (ii) of paragraph b of subdivision five of section six hundred sixty-one  
15 of this chapter, as applicable; provided, however, that such  
supplemental  
16 financial assistance shall be furnished pursuant to criteria  
promulgated  
17 by the commissioner with the approval of the director of the budget.  
18 § 58. Subparagraph (v) of paragraph a of subdivision 4 of section  
6452  
19 of the education law, as added by chapter 917 of the laws of 1970,  
is  
20 amended to read as follows:  
21 (v) Any necessary supplemental financial assistance, which may  
include  
22 the cost of books and necessary maintenance for such students,  
including  
23 students who are New York state citizens and students without  
lawful  
24 immigration status provided that the student meets the requirements  
set  
25 forth in subparagraph (ii) of paragraph a or subparagraph (ii) of  
para-  
26 graph b of subdivision five of section six hundred sixty-one of  
this  
27 chapter, as applicable; provided, however, that such supplemental  
finan-  
28 cial assistance shall be furnished pursuant to criteria promulgated  
by  
29 such universities and approved by the regents and the director of  
the  
30 budget.  
31 § 59. Paragraph (a) of subdivision 2 of section 6455 of the  
education  
32 law, as added by chapter 285 of the laws of 1986, is amended to read  
as  
33 follows:  
34 (a) (i) Undergraduate science and technology entry program moneys  
may  
35 be used for tutoring, counseling, remedial and special summer  
courses,  
36 supplemental financial assistance, program administration, and  
other  
37 activities which the commissioner may deem appropriate. To be  
eligible  
38 for undergraduate collegiate science and technology entry  
program  
39 support, a student must be a resident of New York ~~[who is]~~, or meet  
the  
40 requirements of subparagraph (ii) of this paragraph, and must be  
either  
41 economically disadvantaged or from a minority group historically  
under  
42 represented in the scientific, technical, health and health-  
related

43 professions, and [~~who demonstrates~~] must demonstrate interest in and  
a  
44 potential for a professional career if provided special services.  
Eligi-  
45 ble students must be in good academic standing, enrolled full time in  
an  
46 approved, undergraduate level program of study, as defined by  
the  
47 regents.

48 (ii) An applicant who is not a legal resident of New York state,  
but  
49 who is a United States citizen, a permanent lawful resident, a  
lawful  
50 non-immigrant alien, a New York state citizen or an applicant  
without  
51 lawful immigration status, shall be eligible for an award at the  
under-  
52 graduate level of study provided that the student:  
53 (1) attended a registered New York state high school for two or  
more  
54 years, graduated from a registered New York state high school  
and  
55 applied for attendance at the institution of higher education for  
the

10129 S. 7879 28 A.

1 undergraduate study for which an award is sought within five years  
of  
2 receiving a New York state high school diploma; or  
3 (2) attended an approved New York state program for a state  
high  
4 school equivalency diploma, received a state high school  
equivalency  
5 diploma and applied for attendance at the institution of higher  
educa-  
6 tion for the undergraduate study for which an award is sought  
within  
7 five years of receiving a state high school equivalency  
diploma,  
8 attended an approved New York state high school for two or more  
years,  
9 graduated from an approved New York state high school and applied  
for  
10 attendance at an institution of higher education within five years  
of  
11 receiving a New York state high school diploma; or  
12 (3) is otherwise eligible for the payment of tuition and fees  
at a  
13 rate no greater than that imposed for resident students of the  
state  
14 university of New York, the city university of New York or  
community  
15 colleges as prescribed in subparagraph eight of paragraph h of  
subdivi-  
16 sion two of section three hundred fifty-five or paragraph (a) of  
subdi-

17 vision seven of section sixty-two hundred six of this chapter.  
18 Provided, further, that a student without lawful immigration  
status  
19 shall also be required to file an affidavit with such institution  
of  
20 higher education stating that the student has filed an application  
to  
21 legalize his or immigration status, or will file such an application  
as  
22 soon as he or she is eligible to do so.

23 § 60. Paragraph (a) of subdivision 3 of section 6455 of the  
education  
24 law, as added by chapter 285 of the laws of 1986, is amended to read  
as  
25 follows:

26 (a) (i) Graduate science and technology entry program moneys may  
be  
27 used for recruitment, academic enrichment, career planning,  
supplemental  
28 financial assistance, review for licensing examinations, program  
admin-  
29 istration, and other activities which the commissioner may deem  
appro-  
30 priate. To be eligible for graduate collegiate science and  
technology  
31 entry program support, a student must be a resident of New York

[~~who~~  
32 is], or meet the requirements of subparagraph (ii) of this  
paragraph,  
33 and must be either economically disadvantaged or from a minority  
group  
34 historically underrepresented in the scientific, technical and  
health-  
35 related professions. Eligible students must be in good academic  
stand-  
36 ing, enrolled full time in an approved graduate level program,  
as  
37 defined by the regents.

38 (ii) An applicant who is not a legal resident of New York state,  
but

39 either is a United States citizen, a permanent lawful resident, a  
lawful  
40 non-immigrant alien, a New York state citizen or an applicant  
without  
41 lawful immigration status shall be eligible for an award at the  
under-  
42 graduate level of study provided that the student:

43 (1) attended a registered approved New York state high school for  
two  
44 or more years, graduated from a registered New York state high  
school  
45 and applied for attendance at the institution of higher education  
for  
46 the graduate study for which an award is sought within ten years  
of  
47 receiving a New York state high school diploma; or

48 (2) attended an approved New York state program for a state  
high  
49 school equivalency diploma, received a state high school  
equivalency  
50 diploma and applied for attendance at the institution of higher  
educa-  
51 tion for the graduate study for which an award is sought within  
ten  
52 years of receiving a state high school equivalency diploma; or  
53 (3) is otherwise eligible for the payment of tuition and fees  
at a  
54 rate no greater than that imposed for resident students of the  
state  
55 university of New York, the city university of New York or  
community  
56 colleges as prescribed in subparagraph eight of paragraph h of  
subdivi-

S. 7879 29 A.  
10129

1 sion two of section three hundred fifty-five or paragraph (a) of  
subdi-  
2 vision seven of section sixty-two hundred six of this chapter.  
3 Provided, further, that a student without lawful immigration  
status  
4 shall also be required to file an affidavit with such institution  
of  
5 higher education stating that the student has filed an application  
to  
6 legalize his or her immigration status, or will file such an  
application  
7 as soon as he or she is eligible to do so.

8 § 61. Subparagraph (i) of paragraph a of subdivision 2 of  
section  
9 695-e of the education law, as amended by chapter 593 of the laws  
of

10 2003, is amended to read as follows:  
11 (i) the name, address and social security number ~~[or]~~, employer  
iden-  
12 tification number, or individual taxpayer identification number of  
the  
13 account owner unless a family tuition account that was in effect  
prior  
14 to the effective date of the chapter of the laws of two thousand  
four-  
15 teen that amended this subparagraph does not allow for a taxpayer  
iden-  
16 tification number, in which case a taxpayer identification number  
shall  
17 be allowed upon the expiration of the contract;

18 § 62. Subparagraph (iii) of paragraph a of subdivision 2 of  
section  
19 695-e of the education law, as amended by chapter 593 of the laws  
of

20 2003, is amended to read as follows:  
21 (iii) the name, address, and social security number, employer  
iden-

22 identification number, or individual taxpayer identification number of  
the  
23 designated beneficiary, unless a family tuition account that was  
in  
24 effect prior to the effective date of the chapter of the laws of  
two  
25 thousand fourteen that amended this subparagraph does not allow for  
a  
26 taxpayer identification number, in which case a taxpayer  
identification  
27 number shall be allowed upon the expiration of the contract; and  
28 § 63. The president of the higher education services corporation,  
in  
29 consultation with the commissioner of education, shall establish  
an  
30 application form and procedures that shall allow a student  
applicant  
31 that meets the requirements set forth in subparagraph (ii) of  
paragraph  
32 a or subparagraph (ii) of paragraph b of subdivision 5 of section 661  
of  
33 the education law to apply directly to the higher education  
services  
34 corporation or education department for applicable awards without  
having  
35 to submit information to any other state or federal agency. All  
informa-  
36 tion contained within the applications filed with such corporation  
or  
37 department shall be deemed confidential.  
38 § 64. The correction law is amended by adding a new section 71-b  
to  
39 read as follows:  
40 § 71-b. Persons not to be detained. 1. For the purposes of  
this  
41 section, the following terms shall have the following meanings:  
42 (a) "Civil immigration detainer" shall mean a detainer issued  
pursuant  
43 to 8 C.F.R. 287.7.  
44 (b) "Administrative warrant" shall mean an immigration warrant  
of  
45 arrest, order to detain or release aliens, notice of custody  
determi-  
46 nation, notice to appear, removal order, warrant of removal, or  
any  
47 other document issued by an immigration agent that can form the  
basis  
48 for an individual's arrest or detention for a civil immigration  
purpose.  
49 (c) "Law enforcement officer" shall mean all officers, employees  
and  
50 persons otherwise paid by or acting as agents of any municipal,  
county  
51 or state police department or department of corrections.  
52 (d) "Federal immigration authorities" shall mean any officer,  
employee

53 or person otherwise paid by or acting as an agent of United States  
immi-  
54 gration and customs enforcement or any division thereof or any  
other  
55 officer, employee or person otherwise paid by or acting as an agent  
of  
56 the United States Department of Homeland Security who is charged  
with  
S. 7879 30 A.  
10129

1 enforcement of the civil provisions of the immigration and  
nationality  
2 act.  
3 (e) "Facility" shall mean any facility owned or leased by the  
state,  
4 staffed by personnel paid by the state, or used primarily for  
the  
5 conduct of state business, including but not limited to any prison  
or  
6 jail owned or operated by any government entity under the state's  
juris-  
7 diction.

8 2. (a) Law enforcement officers shall not honor a civil  
immigration  
9 detainer or administrative warrant from federal immigration  
officials  
10 by:  
11 (i) holding a person beyond the time when such person would  
otherwise  
12 be released from custody; or  
13 (ii) expending time or resources responding to inquiries or  
communi-  
14 cating with federal immigration authorities of such person's  
incarcera-  
15 tion status, release dates, court appearance dates, or any other  
infor-  
16 mation related to an individual in custody unless such a response  
or  
17 communication is required or protected by law.

18 (b) Unless an immigration agent has a valid and properly issued  
crimi-  
19 nal warrant, or law enforcement officials have a legitimate law  
enforce-  
20 ment purpose that is not related to the enforcement of immigration  
law,  
21 law enforcement officers shall not permit any federal immigration  
offi-  
22 cial to:  
23 (i) have access to any person in their custody; or  
24 (ii) have access to any facility owned or operated by the state, or  
by  
25 any municipality within the state, for the purpose of  
investigating  
26 potential violations of the civil immigration law.  
27 3. Nothing in this section shall affect the obligation of law  
enforce-

28 ment officers to maintain the confidentiality of any  
information  
29 obtained pursuant to subdivision two of this section.  
30 4. Nothing in this section shall be construed to confer any  
authority  
31 on any entity to hold persons on civil immigration detainers beyond  
the  
32 authority, if any, that existed prior to the effective date of  
this  
33 section.  
34 5. This section supersedes all conflicting policies, rules,  
procedures  
35 and practices of the state. Nothing in this section shall be  
construed  
36 to prohibit any state agency from cooperating with federal  
immigration  
37 authorities when required under federal law. Nothing in this  
section  
38 shall be interpreted or applied so as to create any power, duty or  
obli-  
39 gation in conflict with any federal, state or local law.  
40 6. Nothing contained in this section or in the administration  
or  
41 application hereof shall be construed as creating any private right  
of  
42 action on the part of any persons or entity against the state or  
the  
43 department.  
44 7. Annually on or before December thirty-first, the department  
shall  
45 post a report on the department's website that includes the  
following  
46 information for the preceding twelve month period:  
47 (a) the number of civil immigration detainers received from  
federal  
48 immigration authorities;  
49 (b) the number of persons held pursuant to civil immigration  
detainers  
50 beyond the time when such persons would otherwise be released from  
the  
51 department's custody;  
52 (c) the number of persons transferred to the custody of federal  
immi-  
53 gration authorities pursuant to civil immigration detainers; and  
54 (d) the justification and legal authority for the transfer of  
any  
55 individual to the custody of federal immigration authorities.

S. 7879

31

A.

10129

1 8. For the purpose of this section, any reference to a statute,  
rule,  
2 or regulation shall be deemed to include any successor provision.  
3 § 65. The executive law is amended by adding a new section 243-a  
to  
4 read as follows:



5 § 243-a. Persons not to be detained. 1. For the purposes of  
this  
6 section, the following terms shall have the following meanings:  
7 (a) "Civil immigration detainer" shall mean a detainer issued  
pursuant  
8 to 8 C.F.R. 287.7.  
9 (b) "Administrative warrant" shall mean an immigration warrant  
of  
10 arrest, order to detain or release aliens, notice of custody  
determi-  
11 nation, notice to appear, removal order, warrant of removal, or  
any  
12 other document issued by an immigration agent that can form the  
basis  
13 for an individual's arrest or detention for a civil immigration  
purpose.  
14 (c) "Probation officer" shall mean any officer, employee or  
person  
15 otherwise paid by or acting as an agent of the office of probation  
and  
16 correctional alternatives, or any county or municipal probation  
depart-  
17 ment.  
18 (d) "Federal immigration authorities" shall mean any officer,  
employee  
19 or person otherwise paid by or acting as an agent of United States  
immi-  
20 gration and customs enforcement or any division thereof or any  
other  
21 officer, employee or person otherwise paid by or acting as an agent  
of  
22 the United States Department of Homeland Security who is charged  
with  
23 enforcement of the civil provisions of the immigration and  
nationality  
24 act.  
25 (e) "Facility" shall mean any facility owned or leased by the  
state,  
26 staffed by personnel paid by the state, or used primarily for  
the  
27 conduct of state business, including but not limited to any prison  
or  
28 jail owned or operated by any government entity under the state's  
juris-  
29 dition.  
30 2. (a) Probation officers shall not honor a civil immigration  
detainer  
31 or administrative warrant from federal immigration officials by:  
32 (i) holding a person beyond the time when such person would  
otherwise  
33 be released from custody; or  
34 (ii) expending time or resources responding to inquiries or  
communi-  
35 cating with federal immigration authorities of such person's  
incarcera-  
36 tion status, release dates, court appearance dates, or any other  
infor-

37 mation related to an individual in custody unless such a response  
or  
38 communication is required or protected by law.  
39 (b) Unless an immigration agent has a valid and properly issued  
crimi-  
40 nal warrant, or law enforcement officials have a legitimate law  
enforce-  
41 ment purpose that is not related to the enforcement of immigration  
law,  
42 probation officers shall not permit any federal immigration official  
to:  
43 (i) have access to any person in their custody; or  
44 (ii) have access to any facility owned or operated by the state, or  
by  
45 any municipality within the state, for the purpose of  
investigating  
46 potential violations of the civil immigration law.  
47 (c) Unless an immigration agent has a valid and properly issued  
crimi-  
48 nal warrant, or probation officers have a legitimate law  
enforcement  
49 purpose that is not related to the enforcement of immigration law,  
no  
50 probation officer shall  
51 (i) provide any detainee, inmate or booking lists to federal  
immi-  
52 gration officials; or  
53 (ii) expend time or resources responding to inquiries or  
communicating  
54 with federal immigration officials, regarding any person's  
incarceration  
55 status, probation status, release date, court appearance dates or  
any

S. 7879 32 A.  
10129

1 other information, unless such response or communications is required  
or  
2 protected by law.  
3 3. Nothing in this section shall affect the obligation of  
probation  
4 officers to maintain the confidentiality of any information  
obtained  
5 pursuant to subdivision two of this section.  
6 4. Nothing in this section shall be construed to confer any  
authority  
7 on any entity to hold persons on civil immigration detainers beyond  
the  
8 authority, if any, that existed prior to the effective date of  
this  
9 section.  
10 5. This section supersedes all conflicting policies, rules,  
procedures  
11 and practices of the state. Nothing in this section shall be  
construed  
12 to prohibit any state agency from cooperating with federal  
immigration

13 authorities when required under federal law. Nothing in this  
section  
14 shall be interpreted or applied so as to create any power, duty or  
obli-  
15 gation in conflict with any federal, state or local law.  
16 6. Nothing contained in this section or in the administration  
or  
17 application hereof shall be construed as creating any private right  
of  
18 action on the part of any persons or entity against the state or  
the  
19 office.  
20 7. Annually on or before December thirty-first, the department  
shall  
21 post a report on the office's website that includes the following  
infor-  
22 mation for the preceding twelve month period:  
23 (a) the number of civil immigration detainers received from  
federal  
24 immigration authorities;  
25 (b) the number of persons held pursuant to civil immigration  
detainers  
26 beyond the time when such persons would otherwise be released from  
the  
27 office's custody;  
28 (c) the number of persons transferred to the custody of federal  
immi-  
29 gration authorities pursuant to civil immigration detainers; and  
30 (d) the justification and legal authority for the transfer of  
any  
31 individual to the custody of federal immigration authorities.  
32 8. For the purpose of this section, any reference to a statute,  
rule,  
33 or regulation shall be deemed to include any successor provision.  
34 § 66. The executive law is amended by adding a new section 223-a  
to  
35 read as follows:  
36 § 223-a. Prohibition on racial profiling. 1. For the purposes of  
this  
37 section, "racial profiling" shall mean the practice of a law  
enforcement  
38 officer or agency relying, to any degree, on race, ethnicity,  
national  
39 origin, or religion in selecting which individual to subject to  
routine  
40 or spontaneous investigatory activities or in deciding upon the  
scope  
41 and substance of law enforcement activity following the initial  
investi-  
42 gatory procedure, except when there is trustworthy information,  
relevant  
43 to the locality and timeframe, that links a person of a particular  
race,  
44 ethnicity, national origin, or religion to an identified criminal  
inci-  
45 dent or scheme.

46 2. The superintendent of state police and members of the division  
of  
47 state police shall not engage in racial profiling.  
48 3. The division of state police shall maintain adequate policies  
and  
49 procedures designed to eliminate racial profiling and cease  
existing  
50 practices that permit racial profiling. Policies and procedures  
shall  
51 include:  
52 (a) a prohibition on racial profiling;  
53 (b) training on racial profiling issues as part of state police  
train-  
54 ing;  
55 (c) the collection of relevant data;  
S. 7879 33 A.

10129

1 (d) procedures for receiving, investigating and responding  
meaningful-  
2 ly to complaints alleging racial profiling by members of the division  
of  
3 state police; and  
4 (e) any other policies and procedures the superintendent determines  
to  
5 be necessary to eliminate racial profiling.  
6 4. An individual injured by racial profiling may enforce this  
section  
7 in a civil action for declaratory or injunctive relief, upon proof  
that  
8 the routine or spontaneous investigatory activities of members of  
the  
9 division of state police have had a disparate impact on racial,  
ethnic,  
10 or religious minorities shall constitute prima facie evidence  
of a  
11 violation of this section. In any action or proceeding to enforce  
this  
12 section, the court may allow a prevailing plaintiff reasonable  
attor-  
13 ney's fees as part of the costs and may include expert fees as part  
of  
14 the attorney's fee.

15 § 67. The provisions of this act shall not be construed to  
conflict  
16 with any provision of federal law, rule or regulation, and in  
any  
17 circumstance in which a conflict may exist, the appropriate federal  
law,  
18 rule or regulation shall be controlling.

19 § 68. This act shall take effect on the first of January next  
succeed-  
20 ing the date on which it shall have become a law, provided that:  
21 (a) the amendments to section 6604-b of the education law, made  
by  
22 section fourteen of this act, shall not affect the repeal of  
such

23 section and shall be deemed repealed therewith;  
24 (b) section twenty-eight of this act shall take effect upon the  
enact-  
25 ment into law by the state of New Jersey of legislation having an  
iden-  
26 tical effect with such section, but if the state of New Jersey  
shall  
27 have already enacted such legislation, section twenty-eight of this  
act  
28 shall take effect on the effective date of this act; provided that  
the  
29 office for new Americans shall notify the legislative bill  
drafting  
30 commission upon the occurrence of the enactment of such legislation  
by  
31 the state of New Jersey in order that the commission may maintain  
an  
32 accurate and timely effective data base of the official text of the  
laws  
33 of the state of New York in furtherance of effectuating the  
provisions  
34 of section 44 of the legislative law and section 70-b of the  
public  
35 officers law;  
36 (c) section thirty-six of this act shall take effect October 3,  
2016;  
37 and  
38 (d) effective immediately, the addition, amendment and/or repeal  
of  
39 any rule or regulation necessary for the implementation of this act  
on  
40 its effective date are authorized and directed to be made and  
completed  
41 on or before such effective date.