

2018 LEGISLATIVE SESSION REPORT

NEW YORK STATE SENATE

STANDING COMMITTEE ON CODES

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Senator Jamaal T. Bailey, Ranking Member

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CODES

Senator Andrew Lanza, Chair

The Codes Committee reported/discharged 178 bills from committee this session. Of these 178 bills, 7 were referenced to a committee of secondary reference and did not advance further. 2 bills were defeated in committee. A total of 171 bills advanced to the Calendar, 69 of which died on 3rd Reading Calendar, while 95 bills passed the Senate only and 7 bills passed both houses. Of the 7 bills that passed both houses, 5 were signed into law and 2 were vetoed.

Bills Died in Committee of Secondary Reference

Finance

- **S. 294 ROBACH** -- Relates to enhancing penalties and protecting victims of crimes of domestic violence
- **S. 554 YOUNG** -- Provides for statewide video arraignments; repealer
- **S. 5808-A GIANARIS** -- Enacts the effective background check act of 2018

Housing, Construction and Community Development

- **S. 405 ROBACH** -- Establishes the right of tenants to call police or emergency assistance without fear of losing their housing

Investigations and Government Operations

- **S. 11-A KAMINSKY**-- Relates to giving and/or receiving unlawful benefits

Judiciary

- **S. 12 KAMINSKY** -- Relates to making false statements to district attorneys, assistant district attorneys or district attorney investigators
- **S. 3809 BAILEY** -- Relates to sealing records for certain proceedings

Bills Defeated in Committee

- **S. 1082 RIVERA** -- Decriminalizes the possession and sale of hypodermic needles and syringes; repealer
- **S. 7013 RIVERA** -- De-criminalizes the personal possession of marihuana; relates to certain pleas; specifies requirements with respect to bills affecting correctional populations

Died on 3rd Reading Calendar

- **S. 224 GOLDEN** -- Authorizes prosecuting agency to move to have identity of undercover public officers and employees protected while testifying in court
- **S. 424 SEWARD** -- Criminalizes acting as a runner or soliciting or employing a runner to procure patients or clients
- **S. 457 YOUNG**-- Includes in class A misdemeanor of dissemination of an unlawful surveillance image in the second degree, dissemination of image to porn website without consent
- **S. 463 PERALTA** -- Prohibits the sale of forged instruments
- **S. 513 YOUNG** -- Authorizes use of closed-circuit television for the testimony of domestic violence victim witnesses in a criminal proceeding
- **S. 660 KENNEDY** -- Includes the financial exploitation of the elderly or disabled within the crime of larceny
- **S. 830 YOUNG** -- Establishes the crimes of aggravated rape, aggravated criminal sexual act and aggravated sexual abuse
- **S. 884 GOLDEN** -- Relates to aggravated grand larceny of an automated teller machine
- **S. 954 CROCI** -- Relates to criminal possession of computer related material
- **S. 1133 GALLIVAN** -- Relates to aggravated vehicular homicide
- **S. 1220 ORTT** -- Relates to exempting tension pneumothorax decompression needles from criminal possession of a hypodermic instrument
- **S. 1537 AVELLA** -- Relates to auxiliary police and their ability to carry a collapsible police baton
- **S. 1673 LITTLE** -- Includes within the class D felony of assault in the second degree, the causation of serious physical injury to another person while in the course of committing hazing in the first degree
- **S. 1876 AVELLA** -- Establishes the crime of aggravated resisting arrest
- **S. 2403 MARCELLINO** -- Establishes the crimes of criminal trespass on a school bus; school grounds or children's camp
- **S. 2405 GOLDEN** -- Establishes crime of aggravated criminal conduct
- **S. 2418 MARCELLINO** -- Prohibits disclosure of highway, bridge, tunnel and other thoroughfare toll and transit records, with exceptions
- **S. 2500-A TEDISCO** -- Relates to certain assault crimes which include the aid or encouragement of additional persons
- **S. 2533 GOLDEN** -- Relates to causing the death of a police officer
- **S. 2572-A HELMING** -- Relates to penalties for the promotion of prison contraband

- **S. 2591-A LANZA** -- Relates to the enforcement of provisions relating to carriers of household goods by motor vehicles
- **S. 2616 LANZA** -- Relates to arson in the first degree
- **S. 2630 LANZA** -- Establishes the class E felony of dissemination of false missing child information
- **S. 2631-A LANZA** -- Establishes the crime of larceny of a controlled substance
- **S. 2633 LANZA** -- Provides for revocation of probation where a person is convicted of a new offense while such person is under probation supervision for a felony offense
- **S. 2650 KLEIN** -- Expands endangering the welfare of a child to include using a child for the purpose of begging, rag picking, collecting cigar stumps of refuse, or peddling; repealer
- **S. 2652-A KLEIN** -- Prohibits sex offenders from playing augmented reality games
- **S. 2727 GRIFFO** -- Increases the severity of penalties for directing a laser at an aircraft offenses
- **S. 2934 GALLIVAN** -- Relates to a negotiated sentence of imprisonment
- **S. 3031-A HELMING** -- Relates to certain crimes related to the operation of a motor vehicle; repealer
- **S. 3313 LANZA** -- Creates the crimes of dangerous driving in the fifth, fourth, third, second and first degrees
- **S. 3517 FLANAGAN** -- Makes aggravated vehicular homicide a violent felony offense
- **S. 3533 FLANAGAN** -- Relates to vehicular assault and vehicular manslaughter
- **S. 3763 FUNKE** -- Relates to increasing the penalty for larceny and criminal mischief during a declaration of a state of emergency by the governor
- **S. 3764 FUNKE** -- Relates to requiring a sentence of imprisonment for sex offenses where the victim of the offense lacked the ability to consent due to incapacity
- **S. 3847 FUNKE** -- Relates to orders of protection and child support enforcement
- **S. 3903-A GALLIVAN** -- Grants Special Agents of the Veterans Affairs Office of the inspector general peace officer status
- **S. 4060 LANZA** -- Provides for immediate notification to a complainant, in the manner specified by the complainant, of the service of an ex parte order of protection
- **S. 4323 TEDISCO** -- Creates the crime of aggravated harassment of a family member of a person in active military service
- **S. 4327 LANZA** -- Requires persons against whom an order of protection is issued to wear an electronic monitoring device

- **S. 4997 LANZA** -- Relates to confidentiality of records in proceedings to vacate convictions for offenses resulting from sex trafficking, labor trafficking and compelling prostitution
- **S. 5070 LANZA** -- Relates to the rape shield law
- **S. 5098 HOYLMAN** -- Relates to categorizing members of an auxiliary police program with police officers and peace officers for purposes of certain felony classifications
- **S. 5195-A LANZA** -- Grants court reporters in the first and second departments peace officer status
- **S. 5343-C LANZA** -- Establishes the class C felony offense of assault on a school employee
- **S. 5428-A GOLDEN** -- Relates to assault on a peace officer, police officer, firefighter, emergency medical services professional, sanitation enforcement agent or New York city sanitation worker
- **S. 5665 SAVINO** -- Relates to granting peace officer status to traffic enforcement officers and traffic enforcement agents
- **S. 5900 GALLIVAN** -- Relates to the definition of mentally disabled and the crime of larceny
- **S. 6099 FUNKE** -- Relates to unlawful broadcast of criminal activity
- **S. 6211-A LANZA** -- Establishes the class D felony of criminal street gang recruitment on school grounds
- **S. 6291 LANZA** -- Provides that conviction of assault on a social worker which prevents him or her from performing a lawful duty is a felony
- **S. 6562 LANZA** -- Permits suspension of jury deliberations for a certain period of time
- **S. 6658 LANZA** -- Establishes the class C felony of assault of a patient in a mental health or developmental disability facility
- **S. 6660 BAILEY** -- Relates to burglary in the second degree
- **S. 6734 CROCI** -- Relates to disclosure of arrest and prosecution records of applicants for employment as police officers or peace officers
- **S. 6764 LANZA** -- Makes the waiver of a pre-sentence investigation and report in certain instances applicable statewide
- **S. 6846 GOLDEN** -- Relates to amending the sentencing procedures and jury charge in capital cases
- **S. 7708 LANZA** -- Relates to establishing incapacity to consent when a person is under arrest, detention or otherwise in actual custody
- **S. 7736 GALLIVAN** -- Includes leaving the scene of an accident within the crimes of aggravated vehicular manslaughter and aggravated vehicular assault when physical injury or death occurs to a person or persons

- **S. 7911 LANZA** -- Relates to the unlawful possession of a patient record
- **S. 8111 LANZA** -- Relates to offenses committed by a defendant in a criminal proceeding against court employees
- **S. 8113 LANZA** -- Relates to the calculation of consecutive definite sentences
- **S. 8114 LANZA** -- Relates to sealing petty offenses
- **S. 8138 LANZA** -- Establishes the offenses of phishing in the third degree, phishing in the second degree and phishing in the first degree; and relates to the time in which a prosecution of such offenses must be commenced
- **S. 8229-A LANZA** -- Enacts Lulu and Leo's law establishing the crime of misrepresentation by, or on behalf of, a caregiver for children
- **S. 8260 LANZA** -- Relates to notification of and engagement with parents in proceedings involving sixteen and seventeen year old defendants in youth parts of superior courts
- **S. 8363 GOLDEN** -- Relates to insurance fraud
- **S. 8512 GOLDEN** -- Relates to allowing Nassau County auxiliary police to have police batons
- **S. 8604 SERINO** -- Relates to consecutive sentencing for certain convictions for sex crimes

Passed Senate Only

- **S. 227 GOLDEN** -- Makes intentional damage to an authorized emergency vehicle a crime of criminal mischief in the third degree
- **S. 232 GOLDEN** -- Relates to increasing penalties for certain violent felony offenses against a police officer
- **S. 258 ORTT** -- Establishes the crimes of vehicular assault and vehicular manslaughter in an active work zone and intrusion into an active work zone
- **S. 285 ROBACH** -- Expands the crime of robbery in the first and second degrees to include attempts made with a device appearing to be a bomb, destructive device or explosive
- **S. 297 ROBACH** -- Creates computer sex crimes against children
- **S. 310 ROBACH** -- Establishes the crime of criminal use of weapons; firing into a crowded space
- **S. 311 ROBACH** -- Provides that persons arrested for domestic violence forfeit bail when violating an order of protection
- **S. 409 ROBACH** -- Relates to making it unlawful for a caretaker to post a vulnerable elderly person on social media without their consent
- **S. 421 SEWARD** -- Relates to crime of staging a motor vehicle accident

- **S. 440-A YOUNG** -- Designates, as peace officers, special deputy sheriffs of the county of Chautauqua within the grounds of and properties owned by the Chautauqua Institution
- **S. 468 PERALTA** -- Expands the definition of "criminal act", for purposes of enterprise corruption, to include computer offenses, identity theft and other fraud offenses
- **S. 594 BOYLE** -- Relates to adding animal fighting as a criminal act when referring to enterprise corruption
- **S. 623 BOYLE** -- Relates to criminal sale of a controlled substance
- **S. 638 BOYLE** -- Creates the presumption of intent to sell
- **S. 642 BOYLE** -- Creates the crimes of unlawful dissemination of an intimate image in the first and second degrees as a class E felony and class A misdemeanor, respectively
- **S. 759 RITCHIE** -- Creates the crimes of tampering with electronic monitoring equipment in the first and second degree
- **S. 880 ORTT** -- Relates to the possession and sale of substances containing heroin
- **S. 925 CROCI** -- Relates to murder in the first degree
- **S. 927 CROCI** -- Relates to inciting violence against an active duty member of the military or the reserves
- **S. 955 CROCI** -- Relates to assault on a member of the military or reserves
- **S. 957-A CROCI** -- Establishes the crime of stolen valor
- **S. 961 YOUNG** -- Elevates killing a police work dog or police work horse from being a class E felony to a class D felony
- **S. 1007 ROBACH** -- Creates the crime of environmental damage of property
- **S. 1032 BONACIC** -- Authorizes the Ulster county sheriff to serve as an additional firearms licensing officer
- **S. 1107 YOUNG** -- Enacts "The Domestic Violence Protection Act - Brittany's Law" requiring registration of violent felony offenders
- **S. 1109 FELDER** -- Relates to cemetery desecration
- **S. 1114-A AKSHAR** -- Designates offenses against law enforcement officers, firefighters and emergency medical services personnel as hate crimes
- **S. 1127 AKSHAR** -- Establishes the class B felony of criminal sale of a controlled substance upon the grounds of a drug or alcohol treatment center
- **S. 1144-A GALLIVAN** -- Relates to categorizing retired police officers employed by a school district as a school resource officer as peace officers
- **S. 1199-A PERSAUD** -- Relates to impersonating another by using another's electronic signature

- **S. 1211 ORTT** -- Relates to disallowing sentences of intermittent imprisonment when the court is imposing a sentence for a sex offense
- **S. 1238 ORTT** -- Relates to aggravated harassment of an employee by an inmate
- **S. 1256 MARCELLINO** -- Includes the theft of dogs and cats within the crime of grand larceny in the fourth degree (a class E felony) in certain cases
- **S. 1302 AVELLA** -- Prohibits vandalism of a vehicle owned by law enforcement personnel or law enforcement agencies
- **S. 1741 GOLDEN** -- In relation to the unlawful fleeing a police officer in a motor vehicle
- **S. 1747 GOLDEN** -- Creates new assault crime for an assault on a retired police officer who previously arrested the assailant
- **S. 1760 GOLDEN** -- Relates to assaults on supervisory personnel of a transit system
- **S. 1954 KLEIN** -- Establishes offense for the electronic stalking of minors
- **S. 2046 BONACIC** -- Relates to aggravated harassment of an employee by an inmate
- **S. 2078 KLEIN** -- Enacts "Ildefonso Romero's law" to establish the felony offense of aggravated assault
- **S. 2123 O'MARA** -- Relates to penalties for the crimes relating to methamphetamine laboratory operations
- **S. 2348 PARKER** -- Includes bias-related graffiti in hate crimes
- **S. 2406-A GOLDEN** -- Relates to cyber crimes; repealer
- **S. 2410-A GOLDEN** -- Enacts the New York state criminal street gang act
- **S. 2512 GALLIVAN** -- Relates to the examination of witnesses
- **S. 2521 GALLIVAN** -- Relates to an intentional act or course of action that would cause serious physical harm to ten or more people
- **S. 2566 HELMING** -- Relates to inciting violence against a police officer
- **S. 2582 LITTLE** -- Provides that an elementary or secondary student shall not have capacity to consent to sexual conduct with a school employee
- **S. 2627 LANZA** -- Creates the crime of falsely accusing someone of a crime
- **S. 2657 HAMILTON** -- Enhances the penalty for persons who violate orders of protection after having been previously convicted of violating such orders
- **S. 2725-A GRIFFO** -- Establishes the crime of non-consensual dissemination of sexually explicit images

- **S. 2728 GRIFFO** -- Adds employees of the office of children and family services to the list of public employees for which prevention of duties constitutes assault in the second degree
- **S. 2729 GRIFFO** -- Allows for electronic court appearance in any county of the state, except an appearance at a hearing or trial
- **S. 2730 GRIFFO** -- Authorizes the state board of parole to require a violent felony offender to serve his or her maximum term, if release would pose an imminent threat to society
- **S. 2744 GOLDEN** -- Relates to the sale of controlled substances
- **S. 2761 AMEDORE** -- Establishes the crime of homicide by sale of an opiate controlled substance
- **S. 2814 HANNON** -- Relates to criminal diversion of prescription medications and prescriptions, establishing certain other offenses related thereto
- **S. 2881 TEDISCO** -- Provides that crimes committed against a person on school grounds shall be deemed to be one category higher than the specified crime the person committed
- **S. 3039 CARLUCCI** -- Relates to the removal of an action from a problem solving court
- **S. 3299 GIANARIS** -- Includes in the class E felony of vehicular assault in the second degree, the causing of serious physical injury while operating a vehicle with suspended, revoked or no license
- **S. 3335 BAILEY** -- Expands definition of dangerous contraband to include telecommunications and electronic recording devices
- **S. 3538 LANZA** -- Elevates all computer tampering offenses by one degree in severity
- **S. 3632-A PHILLIPS** -- Relates to granting peace officer status to certain titles employed by the Nassau county police department
- **S. 3681 ADDABBO** -- Makes life imprisonment without parole mandatory for defendants convicted of murder in the first degree and the victim is a police officer
- **S. 3845 MARCHIONE** -- Relates to the criminal sale of a controlled substance to a person less than fourteen years of age
- **S. 3857 LAVALLE** -- Relates to assaults on nursing professionals and sanitation workers
- **S. 3861 SAVINO** -- Relates to sexual abuse in the first degree where a person is incapable of consent while a passenger on public transportation
- **S. 3882 SAVINO** -- Relates to the criminal impersonation of an employee of a public utility company or corporation
- **S. 3883 SAVINO** -- Prohibits the dissemination of an image of a crime victim by public servants
- **S. 3913 SAVINO** -- Relates to the establishment of the crimes of vehicular assault and vehicular manslaughter in active work zones

- **S. 4036 TEDISCO** -- Authorizes imposition of life imprisonment without parole sentence for persistent violent felony offenders; repealer
- **S. 4311 HELMING** -- Relates to the offense of assault in the second degree and employees of domestic violence shelters and persons seeking shelter in such shelters
- **S. 4359 VALESKY** -- Relates to identity theft by means of voice recording
- **S. 4994 LARKIN** -- Creates crimes of cemetery desecration of a veteran
- **S. 5346-A PERSAUD** -- Relates to unlawfully installing gas meters
- **S. 5399-A GOLDEN** -- Relates to aggravated harassment of an employee by an inmate or a defendant
- **S. 6200-A LANZA** -- Provides for family members of a crime victim and interested parties to make statements to members of the parole board
- **S. 6740 PHILLIPS** -- Requires town attorneys in the counties of Nassau and Suffolk to collect fines
- **S. 6965 VALESKY** -- Relates to increasing the class for certain vehicular crimes and enacting Kane's law
- **S. 7024-A GOLDEN** -- Includes special agents of the United States Postal Service Office of Inspector General as peace officers
- **S. 7065 KAVANAGH** -- Relates to offenses involving thefts of identity; repealer
- **S. 7199-A SEWARD** -- Relates to the damage of a building or motor vehicle caused by fire or explosion in the course of the commission of a felony
- **S. 7216-A PARKER** -- Relates to sex offenses
- **S. 7218 YOUNG** -- Designates the uniformed court officers of the town of Busti, as peace officers
- **S. 7370 LITTLE** -- Provides that the sentence for murder in the first degree shall be life imprisonment without parole; repealer
- **S. 7571-A HAMILTON** -- Enacts "Benny A. Lyde's law"
- **S. 7650 PHILLIPS** -- Relates to enhanced penalties for domestic violence crimes
- **S. 7976 MURPHY** -- Requires a sentence of life imprisonment without parole for murder in the first degree involving the killing of a first responder
- **S. 8015 GOLDEN** -- Relates to the sentence imposed for convictions of murder in the first degree
- **S. 8055 FUNKE** -- Relates to the assault of physicians providing direct patient care
- **S. 8190 BONACIC** -- Relates to adding the Orange county sheriff as an additional firearms licensing officer

- **S. 8228 GOLDEN** -- Relates to prohibiting conditional release on parole for persons convicted of manslaughter
- **S. 8507 BOYLE** -- Designates fire marshals employed in the Long Island Rail Road Company Office of the Fire Marshals as peace officers
- **S. 8540 SERINO** -- Relates to consecutive sentencing for certain convictions
- **S. 8541 SERINO** -- Relates to promoting suicide

Signed into Law

- **S. 2755 LAVALLE** -- Relates to prohibiting physical contact or activity in any organization's initiating ceremony
- **S. 5988-B LANZA** -- Establishes the crime of sex trafficking of a child; repealer
- **S. 6343-A ALCANTARA** -- Relates to theft of services from barbershops, salons or beauty salons
- **S. 7836 LANZA** -- Relates to human trafficking courts
- **S. 8760 AMEDORE** -- Relates to the disposal of property upon a judgment or order of forfeiture

Vetoed

- **S. 5862-A CARLUCCI** -- Designates uniformed court officers in the town of Ossining, county of Westchester as peace officers
- **S. 8176 MURPHY** -- Designates court attendants employed by the town of Somers as peace officers