

PROGRAM BILL # 9

S. Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

LABOLA
(Establishes the "Women's Equality
Act"; relates to the prohibition of
differential pay because of sex;
repealer)

Lab. Women's equality act

AN ACT

to amend the labor law, in relation
to the prohibition of differential
pay because of sex (Part A); to
amend the executive law, in relation
to unlawful discriminatory practices
(Part B); to amend the executive
law, in relation to the provision of
attorney's fees in cases of housing,
employment or credit discrimination;
to amend the executive law, in
relation to the awarding of reason-
able attorney's fees (Part C); to

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s20 Adams	s17 Felder	s63 Kennedy	s25 Montgomery	s23 Savino
s15 Addabbo	s02 Flanagan	s34 Klein	s54 Nozzolio	s29 Serrano
s11 Avella	s08 Fuschillo	s28 Krueger	s55 O'Brien	s51 Seward
s40 Ball	s59 Gallivan	s24 Lanza	s58 O'Mara	s09 Skelos
s42 Bonacic	s12 Gianaris	s39 Larkin	s21 Parker	s14 Smith
s04 Boyle	s41 Gipson	s37 Latimer	s13 Peralta	s26 Squadron
s44 Breslin	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s38 Carlucci	s47 Griffo	s52 Libous	s61 Ranzenhofer	s35 Stewart- Cousins
s50 DeFrancisco	s60 Grisanti	s45 Little	s48 Ritchie	s46 Tkaczyk
s32 Diaz	s06 Hannon	s05 Marcellino	s33 Rivera	s53 Valesky
s18 Dilan	s36 Hassell- Thompson	s43 Marchione	s56 Robach	s57 Young
s31 Espaillat		s07 Martins	s19 Sampson	s03 Zeldin
s49 Farley	s27 Hoylman	s62 Maziarz	s10 Sanders	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a081 Dinowitz	a135 Johns	a133 Nojay	a140 Schimminger
a092 Abinanti	a147 DiPietro	a113 Jordan	a037 Nolan	a087 Sepulveda
a084 Arroyo	a115 Duprey	a094 Katz	a130 Oaks	a065 Silver
a035 Aubry	a004 Englebright	a074 Kavanagh	a069 O'Donnell	a027 Simanowitz
a120 Barclay	a054 Espinal	a142 Kearns	a051 Ortiz	a036 Simotas
a106 Barrett	a109 Fahy	a076 Kellner	a091 Otis	a104 Skartados
a060 Barron	a071 Farrell	a040 Kim	a132 Palmesano	a099 Skoufis
a082 Benedetto	a126 Finch	a131 Kolb	a088 Paulin	a022 Solages
a117 Blankenbush	a008 Fitzpatrick	a105 Lalor	a141 Peoples- Stokes	a114 Stec
a062 Borelli	a124 Friend	a013 Lavine	a058 Perry	a110 Steck
a055 Boyland	a143 Gabryszak	a050 Lentol	a089 Pretlow	a079 Stevenson
a026 Braunstein	a095 Galef	a125 Lifton	a073 Quart	a127 Stirpe
a044 Brennan	a137 Gantt	a102 Lopez, P.	a019 Ra	a011 Sweeney
a119 Brindisi	a007 Garbarino	a123 Lupardo	a098 Rabbitt	a112 Tedisco
a138 Bronson	a077 Gibson	a010 Lupinacci	a098 Rabbitt	a101 Tenney
a046 Brook-Krasny	a148 Giglio	a121 Magee	a012 Raia	a001 Thiele
a093 Buchwald	a080 Gjonaj	a129 Magnarelli	a006 Ramos	a061 Titone
a118 Butler	a066 Glick	a059 Maisel	a134 Reilich	a031 Titus
a103 Cahill	a023 Goldfeder	a064 Malliotakis	a078 Rivera	a146 Walter
a043 Camara	a150 Goodell	a030 Markey	a128 Roberts	a041 Weinstein
a145 Ceretto	a075 Gottfried	a090 Mayer	a056 Robinson	a020 Weisenberg
a033 Clark	a005 Graf	a108 McDonald	a068 Rodriguez	a024 Weprin
a047 Colton	a100 Gunther	a014 McDonough	a072 Rosa	a070 Wright
a032 Cook	a139 Hawley	a017 McKeivitt	a067 Rosenthal	a096 Zebrowski
a144 Corwin	a083 Heastie	a107 McLaughlin	a025 Rozic	a002
a085 Crespo	a003 Hennessey	a038 Miller	a116 Russell	a053
a122 Crouch	a028 Hevesi	a052 Millman	a149 Ryan	a086
a021 Curran	a048 Hikind	a015 Montesano	a009 Saladino	
a063 Cusick	a018 Hooper	a136 Morelle	a111 Santabarbara	
a045 Cymbrowitz	a042 Jacobs	a057 Mosley	a029 Scarborough	
a034 DenDekker	a097 Jaffee	a039 Moya	a016 Schimel	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

amend the executive law in relation to the unlawful discriminatory practice because of familial status (Part D); to amend the executive law, in relation to domestic violence victim status and lawful source of income (Part E); to amend the family court act, the criminal procedure law and the domestic relations law, in relation to the duties of interpreters appointed by the courts in certain cases; to amend the domestic relations law, the family court act and the criminal procedure law, in relation to the scope of orders of protection and temporary orders of protection (Part F); to amend the family court act and the judiciary law, in relation to establishing a pilot program for the filing of petitions for temporary orders of protection by electronic means and for issuance of such orders ex parte by audio-visual means (Part G); to amend the penal law, the criminal procedure law, the social services law, the mental hygiene law, the correction law, the vehicle and traffic law, the public health law, the real property actions and proceedings law, and the real property law, in relation to enacting the "trafficking victims protection and justice act"; to amend the penal law, in relation to prostitution in a school zone (Part H); to amend the executive law, in relation to reasonable accommodation (Part I); and to amend the public health law, in relation to access to reproductive services (Part J)

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

1 Section 1. This act shall be known and may be cited as the "Women's
2 Equality act".

3 § 2. This act enacts into law major components of legislation which
4 are necessary to implement the "Women's Equality act." Each component
5 is wholly contained within a Part identified as Parts A through J. The
6 effective date for each particular provision contained within such Part
7 is set forth in the last section of such Part. Any provision in any
8 section contained within a Part, including the effective date of the
9 Part, which makes a reference to section "of this act", when used in
10 connection with that particular component, shall be deemed to mean and
11 refer to the corresponding section of the Part in which it is found.
12 Section four of this act sets forth the general effective date of this
13 act.

14 PART A

15 Section 1. Subdivision 1 of section 194 of the labor law, as added by
16 chapter 548 of the laws of 1966, is amended and two new subdivisions 2
17 and 3 are added to read as follows:

18 1. No employee shall be paid a wage at a rate less than the rate at
19 which an employee of the opposite sex in the same establishment is paid
20 for equal work on a job the performance of which requires equal skill,
21 effort and responsibility, and which is performed under similar working
22 conditions, except where payment is made pursuant to a differential
23 based on:

- 24 a. a seniority system;
25 b. a merit system;

1 c. a system which measures earnings by quantity or quality of
2 production; or

3 d. [any other factor other than sex] a bona fide factor other than
4 sex, such as education, training, or experience. Such factor: (i) shall
5 not be based upon or derived from a sex-based differential in compen-
6 sation; and (ii) shall be job-related with respect to the position in
7 question and shall be consistent with business necessity. Such exception
8 shall not apply when the employee demonstrates (A) that an alternative
9 employment practice exists that would serve the same business purpose
10 and not produce such differential and (B) that the employer has refused
11 to adopt such alternative practice.

12 2. For the purposes of subdivision one of this section, employees
13 shall be deemed to work in the same establishment if the employees work
14 for the same employer at workplaces located in the same geographical
15 region, no larger than a county, taking into account population distrib-
16 ution, economic activity, and/or the presence of municipalities.

17 3. No employer shall prohibit an employee from inquiring about,
18 discussing, or disclosing the wages of such employee or another employ-
19 ee, provided, however, that an employer may, in a written policy
20 provided to all employees, establish reasonable workplace and workday
21 limitations on the time, place and manner for inquires about, discussion
22 of, or the disclosure of wages. Such limitations shall be consistent
23 with standards promulgated by the commissioner and shall be consistent
24 with all other state and federal laws. The failure of an employee to
25 adhere to such reasonable limitations in such written policy shall be an
26 affirmative defense to any claims made against an employer under this
27 subdivision. This prohibition shall not apply to instances in which an
28 employee who has access to the wage information of other employees as a

1 part of such employee's essential job functions discloses the wages of
2 such other employees to individuals who do not otherwise have access to
3 such information, unless such disclosure is in response to a complaint
4 or charge or in furtherance of an investigation, proceeding, hearing, or
5 action under this chapter, including an investigation conducted by the
6 employer. Nothing in this section shall be construed to limit the rights
7 of an employee provided under any other provision of law or collective
8 bargaining agreement.

9 § 2. Subdivision 1-a of section 198 of the labor law, as amended by
10 chapter 564 of the laws of 2010, is amended to read as follows:

11 1-a. On behalf of any employee paid less than the wage to which he or
12 she is entitled under the provisions of this article, the commissioner
13 may bring any legal action necessary, including administrative action,
14 to collect such claim and as part of such legal action, in addition to
15 any other remedies and penalties otherwise available under this article,
16 the commissioner shall assess against the employer the full amount of
17 any such underpayment, and an additional amount as liquidated damages,
18 unless the employer proves a good faith basis for believing that its
19 underpayment of wages was in compliance with the law. Liquidated damages
20 shall be calculated by the commissioner as no more than one hundred
21 percent of the total amount of wages found to be due, except such liqui-
22 dated damages may be up to three hundred percent of the total amount of
23 the wages found to be due for an action instituted under section one
24 hundred ninety-four of this article. In any action instituted in the
25 courts upon a wage claim by an employee or the commissioner in which the
26 employee prevails, the court shall allow such employee to recover the
27 full amount of any underpayment, all reasonable attorney's fees,
28 prejudgment interest as required under the civil practice law and rules,

1 and, unless the employer proves a good faith basis to believe that its
2 underpayment of wages was in compliance with the law, an additional
3 amount as liquidated damages equal to one hundred percent of the total
4 amount of the wages found to be due, except such liquidated damages
5 shall be equal to three hundred percent of the total amount of the wages
6 found to be due for an action instituted under section one hundred nine-
7 ty-four of this article.

8 § 3. The department of labor and the division of human rights shall
9 make training available to assist employers in developing training,
10 policies and procedures to address discrimination and harassment in the
11 workplace. Such training shall take into account the needs of employers
12 of various sizes. The department and division shall make such training
13 available through, including but not limited to, online means. Further,
14 the department and division shall conduct outreach to affected parties
15 representing the interests of both employers and employees.

16 § 4. This act shall take effect on the ninetieth day after it shall
17 have become a law.

18

PART B

19 Section 1. Subdivision 5 of section 292 of the executive law, as
20 amended by chapter 481 of the laws of 2010, is amended to read as
21 follows:

22 5. The term "employer" does not include any employer with fewer than
23 four persons in his or her employ except: (a) as set forth in section
24 two hundred ninety-six-b of this [title] article; and (b) in the case of
25 an action for discrimination based on sex pursuant to subdivision one of
26 section two hundred ninety-six of this article, for purposes of a sexual

1 harassment only, the term "employer" shall include all employers within
2 the state.

3 § 2. This act shall take effect on the ninetieth day after it shall
4 have become a law.

5 PART C

6 Section 1. Subdivision 10 of section 297 of the executive law, as
7 added by section 17 of part D of chapter 405 of the laws of 1999, is
8 amended to read as follows:

9 10. With respect to all cases of housing discrimination and housing
10 related credit discrimination [only], and employment or credit discrimi-
11 nation where sex is a basis of such discrimination, in an action or
12 proceeding at law under this section or section two hundred ninety-eight
13 of this article, the commissioner or the court may in its discretion
14 award reasonable attorney's fees to any prevailing or substantially
15 prevailing party; provided, however, that a prevailing respondent or
16 defendant in order to recover such reasonable attorney's fees must make
17 a motion requesting such fees and show that the action or proceeding
18 brought was frivolous; and further provided that in a proceeding brought
19 in the division of human rights, the commissioner may only award attor-
20 ney's fees as part of a final order after a public hearing held pursuant
21 to subdivision four of this section. In no case shall attorney's fees be
22 awarded to the division, nor shall the division be liable to a prevail-
23 ing or substantially prevailing party for attorney's fees, except in a
24 case in which the division is a party to the action or the proceeding in
25 the division's capacity as an employer. In order to find the action or

1 proceeding to be frivolous, the court or the commissioner must find in
2 writing one or more of the following:

3 (a) the action or proceeding was commenced, used or continued in bad
4 faith, solely to delay or prolong the resolution of the litigation or to
5 harass or maliciously injure another; or

6 (b) the action or proceeding was commenced or continued in bad faith
7 without any reasonable basis and could not be supported by a good faith
8 argument for an extension, modification or reversal of existing law. If
9 the action or proceeding was promptly discontinued when the party or
10 attorney learned or should have learned that the action or proceeding
11 lacked such a reasonable basis, the court may find that the party or the
12 attorney did not act in bad faith.

13 § 2. Paragraph c of subdivision 7 of section 296-a of the executive
14 law, as amended by chapter 632 of the laws of 1976, is amended to read
15 as follows:

16 c. If the superintendent finds that a violation of this section has
17 occurred, the superintendent shall issue an order which shall do one or
18 more of the following:

19 (1) impose a fine in an amount not to exceed ten thousand dollars for
20 each violation, to be paid to the people of the state of New York;

21 (2) award compensatory damages to the person aggrieved by such
22 violation;

23 (3) in cases of sex discrimination only, award reasonable attorney's
24 fees to any prevailing or substantially prevailing party; provided,
25 however, that a prevailing respondent or defendant in order to recover
26 such reasonable attorney's fees must make a motion requesting such fees
27 and show that the action or proceeding brought was frivolous. In no case
28 shall attorney's fees be awarded to the department, nor shall the

1 department be liable to a prevailing or substantially prevailing party
2 for attorney's fees. In order to find the action or proceeding to be
3 frivolous, the superintendent must find in writing one or more of the
4 following:

5 (a) the action or proceeding was commenced, used or continued in bad
6 faith, solely to delay or prolong the resolution of the litigation or to
7 harass or maliciously injure another; or

8 (b) the action or proceeding was commenced or continued in bad faith
9 without any reasonable basis and could not be supported by a good faith
10 argument for an extension, modification or reversal of existing law. If
11 the action or proceeding was promptly discontinued when the party or
12 attorney learned or should have learned that the action or proceeding
13 lacked such a reasonable basis, the court may find that the party or the
14 attorney did not act in bad faith.

15 (4) require the regulated creditor to cease and desist from such
16 unlawful discriminatory practices;

17 [(4)] (5) require the regulated creditor to take such further affirma-
18 tive action as will effectuate the purposes of this section, including,
19 but not limited to, granting the credit which was the subject of the
20 complaint.

21 § 3. This act shall take effect on the ninetieth day after it shall
22 have become a law.

23

PART D

24 Section 1. Subdivisions 1 and 1-a of section 296 of the executive law,
25 as amended by chapter 803 of the laws of 1975, paragraph (a) of subdivi-
26 sion 1 as amended by chapter 80 of the laws of 2009, paragraphs (b), (c)

1 and (d) of subdivision 1 as amended by chapter 75 of the laws of 2005,
2 paragraph (e) of subdivision 1 as amended by chapter 166 of the laws of
3 2000, paragraph (g) of subdivision 1 as added by chapter 98 of the laws
4 of 1984 and paragraphs (b), (c) and (d) of subdivision 1-a as amended by
5 chapter 106 of the laws of 2003, are amended to read as follows:

6 1. It shall be an unlawful discriminatory practice:

7 (a) For an employer or licensing agency, because of an individual's
8 age, race, creed, color, national origin, sexual orientation, military
9 status, sex, disability, predisposing genetic characteristics, familial
10 status, marital status, or domestic violence victim status, to refuse to
11 hire or employ or to bar or to discharge from employment such individual
12 or to discriminate against such individual in compensation or in terms,
13 conditions or privileges of employment.

14 (b) For an employment agency to discriminate against any individual
15 because of age, race, creed, color, national origin, sexual orientation,
16 military status, sex, disability, predisposing genetic characteristics,
17 familial status, or marital status, in receiving, classifying, disposing
18 or otherwise acting upon applications for its services or in referring
19 an applicant or applicants to an employer or employers.

20 (c) For a labor organization, because of the age, race, creed, color,
21 national origin, sexual orientation, military status, sex, disability,
22 predisposing genetic characteristics, familial status, or marital status
23 of any individual, to exclude or to expel from its membership such indi-
24 vidual or to discriminate in any way against any of its members or
25 against any employer or any individual employed by an 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

1 inquiry in connection with prospective employment, which expresses
2 directly or indirectly, any limitation, specification or discrimination
3 as to age, race, creed, color, national origin, sexual orientation,
4 military status, sex, disability, predisposing genetic characteristics,
5 familial status, or marital status, or any intent to make any such limi-
6 tation, specification or discrimination, unless based upon a bona fide
7 occupational qualification; provided, however, that neither this para-
8 graph nor any provision of this chapter or other law shall be construed
9 to prohibit the department of civil service or the department of person-
10 nel of any city containing more than one county from requesting informa-
11 tion from applicants for civil service examinations concerning any of
12 the aforementioned characteristics, other than sexual orientation, for
13 the purpose of conducting studies to identify and resolve possible prob-
14 lems in recruitment and testing of members of minority groups to insure
15 the fairest possible and equal opportunities for employment in the civil
16 service for all persons, regardless of age, race, creed, color, national
17 origin, sexual orientation, military status, sex, disability, predispos-
18 ing genetic characteristics, familial status, or marital status.

19 (e) For any employer, labor organization or employment agency to
20 discharge, expel or otherwise discriminate against any person because he
21 or she has opposed any practices forbidden under this article or because
22 he or she has filed a complaint, testified or assisted in any proceeding
23 under this article.

24 (f) Nothing in this subdivision shall affect any restrictions upon the
25 activities of persons licensed by the state liquor authority with
26 respect to persons under twenty-one years of age.

27 (g) For an employer to compel an employee who is pregnant to take a
28 leave of absence, unless the employee is prevented by such pregnancy

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1 from performing the activities involved in the job or occupation in a
2 reasonable manner.

3 1-a. It shall be an unlawful discriminatory practice for an employer,
4 labor organization, employment agency or any joint labor-management
5 committee controlling apprentice training programs:

6 (a) To select persons for an apprentice training program registered
7 with the state of New York on any basis other than their qualifications,
8 as determined by objective criteria which permit review;

9 (b) To deny to or withhold from any person because of race, creed,
10 color, national origin, sexual orientation, military status, sex, age,
11 disability, familial status, or marital status, the right to be admitted
12 to or participate in a guidance program, an apprenticeship training
13 program, on-the-job training program, executive training program, or
14 other occupational training or retraining program;

15 (c) To discriminate against any person in his or her pursuit of such
16 programs or to discriminate against such a person in the terms, condi-
17 tions or privileges of such programs because of race, creed, color,
18 national origin, sexual orientation, military status, sex, age, disabil-
19 ity, familial status or marital status;

20 (d) To print or circulate or cause to be printed or circulated any
21 statement, advertisement or publication, or to use any form of applica-
22 tion for such programs or to make any inquiry in connection with such
23 program which expresses, directly or indirectly, any limitation, spec-
24 ification or discrimination as to race, creed, color, national origin,
25 sexual orientation, military status, sex, age, disability, familial
26 status or marital status, or any intention to make any such limitation,
27 specification or discrimination, unless based on a bona fide occupa-
28 tional qualification.

1 § 2. Paragraph (a) of subdivision 9 of section 296 of the executive
2 law, as amended by chapter 106 of the laws of 2003, is amended to read
3 as follows:

4 (a) It shall be an unlawful discriminatory practice for any fire
5 department or fire company therein, through any member or members there-
6 of, officers, board of fire commissioners or other body or office having
7 power of appointment of volunteer firefighters, directly or indirectly,
8 by ritualistic practice, constitutional or by-law prescription, by tacit
9 agreement among its members, or otherwise, to deny to any individual
10 membership in any volunteer fire department or fire company therein, or
11 to expel or discriminate against any volunteer member of a fire depart-
12 ment or fire company therein, because of the race, creed, color,
13 national origin, sexual orientation, military status, sex [or], marital
14 status, or familial status, of such individual.

15 § 3. Subdivision 13 of section 296 of the executive law, as amended by
16 chapter 196 of the laws of 2010, is amended to read as follows:

17 13. It shall be an unlawful discriminatory practice (i) for any person
18 to boycott or blacklist, or to refuse to buy from, sell to or trade
19 with, or otherwise discriminate against any person, because of the race,
20 creed, color, national origin, sexual orientation, military status, sex,
21 [or] disability, or familial status, of such person, or of such person's
22 partners, members, stockholders, directors, officers, managers, super-
23 intendents, agents, employees, business associates, suppliers or custom-
24 ers, or (ii) for any person wilfully to do any act or refrain from doing
25 any act which enables any such person to take such action. This subdivi-
26 sion shall not apply to:

27 (a) Boycotts connected with labor disputes; or

28 (b) Boycotts to protest unlawful discriminatory practices.

1 § 4. This act shall take effect on the ninetieth day after it shall
2 have become a law.

3 PART E

4 Section 1. Subdivision 34 of section 292 of the executive law, as
5 added by chapter 80 of the laws of 2009, is amended and a new subdivi-
6 sion 35 is added to read as follows:

7 34. The term "victim of domestic violence [victim]"[, when used in
8 this article,] means [an individual] any person who is a victim of an
9 act which would constitute a violent felony offense as enumerated in
10 section 70.02 of the penal law or a family offense [pursuant to] as
11 enumerated in subdivision one of section eight hundred twelve of the
12 family court act, where such act or acts are or are alleged to have been
13 committed by a member of the same family or household as defined in
14 subdivision one of section eight hundred twelve of the family court act.

15 35. The term "lawful source of income", when used in this article,
16 includes income derived from lawful employment, alimony, child support,
17 disability assistance, social security, or any form of federal, state or
18 local public assistance or housing assistance including section 8 vouch-
19 ers.

20 § 2. Subdivisions 2-a, 3-b and 5 of section 296 of the executive law,
21 subdivision 2-a as amended by chapter 730 of the laws of 1977, para-
22 graphs (a), (b) and (c) of subdivision 2-a and subdivisions 3-b and 5 as
23 amended and paragraph (c-1) of subdivision 2-a as added by chapter 106
24 of the laws of 2003, paragraph (d) of subdivision 2-a as added and para-
25 graphs (e) and (f) of subdivision 2-a as relettered by chapter 368 of
26 the laws of 1991, subparagraph 2 of paragraph (d) of subdivision 2-a as

1 amended by chapter 196 of the laws of 2010 and paragraph (f) of subdivi-
2 sion 2-a as added by chapter 204 of the laws of 1978, are amended to
3 read as follows:

4 2-a. It shall be an unlawful discriminatory practice for the owner,
5 lessee, sub-lessee, assignee, or managing agent of publicly-assisted
6 housing accommodations or other person having the right of ownership or
7 possession of or the right to rent or lease such accommodations:

8 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
9 hold from any person or group of persons such housing accommodations
10 because of the race, creed, color, disability, national origin, sexual
11 orientation, military status, age, sex, marital status, domestic
12 violence victim status, lawful source of income or familial status of
13 such person or persons, or to represent that any housing accommodation
14 or land is not available for inspection, sale, rental or lease when in
15 fact it is so available.

16 (b) To discriminate against any person because of his or her race,
17 creed, color, disability, national origin, sexual orientation, military
18 status, age, sex, marital status, domestic violence victim status,
19 lawful source of income or familial status in the terms, conditions or
20 privileges of any publicly-assisted housing accommodations or in the
21 furnishing of facilities or services in connection therewith.

22 (c) To cause to be made any written or oral inquiry or record concern-
23 ing the race, creed, color, disability, national origin, sexual orien-
24 tation, membership in the reserve armed forces of the United States or
25 in the organized militia of the state, age, sex, marital status, domes-
26 tic violence victim status, lawful source of income or familial status
27 of a person seeking to rent or lease any publicly-assisted housing
28 accommodation; provided, however, that nothing in this subdivision shall

1 prohibit a member of the reserve armed forces of the United States or in
2 the organized militia of the state from voluntarily disclosing such
3 membership, and provided further, however, that the provisions of this
4 paragraph shall not be construed to prevent an owner, lessee, sub-les-
5 see, assignee or managing agent from obtaining a credit report detailing
6 such person's credit worthiness.

7 (c-1) 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, domestic
15 violence victim status, lawful source of income or familial status, or
16 any intent to make any such limitation, specification or discrimination.

17 (d) (1) To refuse to permit, at the expense of the person with a disa-
18 bility, reasonable modifications of existing premises occupied or to be
19 occupied by the said person, if the modifications may be necessary to
20 afford the said person full enjoyment of the premises, in conformity
21 with the provisions of the New York state uniform fire prevention and
22 building code, except that, in the case of a rental, the landlord may,
23 where it is reasonable to do so, condition permission for a modification
24 on the renter's agreeing to restore the interior of the premises to the
25 condition that existed before the modification, reasonable wear and tear
26 excepted.

27 (2) To refuse to make reasonable accommodations in rules, policies,
28 practices, or services, when such accommodations may be necessary to

1 afford a person with a disability equal opportunity to use and enjoy a
2 dwelling, including reasonable modification to common use portions of
3 the dwelling, or

4 (3) In connection with the design and construction of covered multi-
5 family dwellings for first occupancy after March thirteenth, nineteen
6 hundred ninety-one, a failure to design and construct dwellings in
7 accordance with the accessibility requirements of the New York state
8 uniform fire prevention and building code, to provide that:

9 (i) The public use and common use portions of the dwellings are readi-
10 ly accessible to and usable by disabled persons with disabilities;

11 (ii) All the doors are designed in accordance with the New York state
12 uniform fire prevention and building code to allow passage into and
13 within all premises and are sufficiently wide to allow passage by
14 persons in wheelchairs; and

15 (iii) All premises within covered multi-family dwelling units contain
16 an accessible route into and through the dwelling; light switches, elec-
17 trical outlets, thermostats, and other environmental controls are in
18 accessible locations; there are reinforcements in the bathroom walls to
19 allow later installation of grab bars; and there are usable kitchens and
20 bathrooms such that an individual in a wheelchair can maneuver about the
21 space, in conformity with the New York state uniform fire prevention and
22 building code.

23 (e) Nothing in this subdivision shall restrict the consideration of
24 age in the rental of publicly-assisted housing accommodations if the
25 division grants an exemption based on bona fide considerations of public
26 policy for the purpose of providing for the special needs of a partic-
27 ular age group without the intent of prejudicing other age groups.

1 (f) Nothing in this subdivision shall be deemed to restrict the rental
2 of rooms in school or college dormitories to individuals of the same
3 sex.

4 3-b. It shall be an unlawful discriminatory practice for any real
5 estate broker, real estate salesperson or employee or agent thereof or
6 any other individual, corporation, partnership or organization for the
7 purpose of inducing a real estate transaction from which any such person
8 or any of its stockholders or members may benefit financially, to repre-
9 sent that a change has occurred or will or may occur in the composition
10 with respect to race, creed, color, national origin, sexual orientation,
11 military status, sex, disability, marital status, domestic violence
12 victim status, lawful source of income or familial status of the owners
13 or occupants in the block, neighborhood or area in which the real prop-
14 erty is located, and to represent, directly or indirectly, that this
15 change will or may result in undesirable consequences in the block,
16 neighborhood or area in which the real property is located, including
17 but not limited to the lowering of property values, an increase in crim-
18 inal or anti-social behavior, or a decline in the quality of schools or
19 other facilities.

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

24 (1) To refuse to sell, rent, lease or otherwise to deny to or withhold
25 from any person or group of persons such a housing accommodation because
26 of the race, creed, color, national origin, sexual orientation, military
27 status; sex, age, disability, marital status, domestic violence victim
28 status, lawful source of income or familial status of such person or

1 persons, or to represent that any housing accommodation or land is not
2 available for inspection, sale, rental or lease when in fact it is so
3 available.

4 (2) To discriminate against any person because of race, creed, color,
5 national origin, sexual orientation, military status, sex, age, disabil-
6 ity, marital status, domestic violence victim status, lawful source of
7 income or familial status in the terms, conditions or privileges of the
8 sale, rental or lease of any such housing accommodation or in the
9 furnishing of facilities or services in connection therewith.

10 (3) To print or circulate or cause to be printed or circulated any
11 statement, advertisement or publication, or to use any form of applica-
12 tion for the purchase, rental or lease of such housing accommodation or
13 to make any record or inquiry in connection with the prospective
14 purchase, rental or lease of such a housing accommodation which
15 expresses, directly or indirectly, any limitation, specification or
16 discrimination as to race, creed, color, national origin, sexual orien-
17 tation, military status, sex, age, disability, marital status, domestic
18 violence victim status, lawful source of income or familial status, or
19 any intent to make any such limitation, specification or discrimination,
20 provided, however, that the provisions of this subparagraph shall not be
21 construed to prevent an owner, lessee, sub-lessee, assignee, or managing
22 agent of, or other person having the right to sell, rent or lease a
23 housing accommodation, constructed or to be constructed, or any agent or
24 employee thereof from obtaining a credit report detailing the credit
25 worthiness of any prospective individuals seeking to purchase, rent or
26 lease a housing accommodation.

27 The provisions of this paragraph [(a)] shall not apply (1) to the
28 rental of a housing accommodation in a building which contains housing

1 accommodations for not more than two families living independently of
2 each other, if the owner resides in one of such housing accommodations,
3 (2) to the restriction of the rental of all rooms in a housing accommo-
4 dation to individuals of the same sex or (3) to the rental of a room or
5 rooms in a housing accommodation, if such rental is by the occupant of
6 the housing accommodation or by the owner of the housing accommodation
7 and the owner resides in such housing accommodation or (4) solely with
8 respect to age and familial status to the restriction of the sale,
9 rental or lease of housing accommodations exclusively to persons sixty-
10 two years of age or older and the spouse of any such person, or for
11 housing intended and operated for occupancy by at least one person
12 fifty-five years of age or older per unit. In determining whether hous-
13 ing is intended and operated for occupancy by persons fifty-five years
14 of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the
15 federal Fair Housing Act of 1988, as amended, shall apply.

16 (b) It shall be an unlawful discriminatory practice for the owner,
17 lessee, sub-lessee, or managing agent of, or other person having the
18 right of ownership or possession of or the right to sell, rent or lease,
19 land or commercial space:

20 (1) To refuse to sell, rent, lease or otherwise deny to or withhold
21 from any person or group of persons land or commercial space because of
22 the race, creed, color, national origin, sexual orientation, military
23 status, sex, age, disability, marital status, domestic violence victim
24 status, lawful source of income or familial status of such person or
25 persons, or to represent that any housing accommodation or land is not
26 available for inspection, sale, rental or lease when in fact it is so
27 available;

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, domestic violence victim status, lawful source of
4 income or familial status in the terms, conditions or privileges of the
5 sale, rental or lease of any such land or commercial space; or in the
6 furnishing of facilities 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 land or commercial space
10 or to make any record or inquiry in connection with the prospective
11 purchase, rental or lease of such land or commercial space 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, domestic
15 violence victim status, lawful source of income or familial status; or
16 any intent to make any such limitation, specification or discrimination.

17 (4) With respect to age and familial status, the provisions of this
18 paragraph shall not apply to the restriction of the sale, rental or
19 lease of land or commercial space exclusively to persons fifty-five
20 years of age or older and the spouse of any such person, or to the
21 restriction of the sale, rental or lease of land to be used for the
22 construction, or location of housing accommodations exclusively for
23 persons sixty-two years of age or older, or intended and operated for
24 occupancy by at least one person fifty-five years of age or older per
25 unit. In determining whether housing is intended and operated for occu-
26 pancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c)
27 (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as
28 amended, shall apply.

1 (c) It shall be an unlawful discriminatory practice for any real
2 estate broker, real estate salesperson or employee or agent thereof:

3 (1) To refuse to sell, rent or lease any housing accommodation, land
4 or commercial space to any person or group of persons or to refuse to
5 negotiate for the sale, rental or lease, of any housing accommodation,
6 land or commercial space to any person or group of persons because of
7 the race, creed, color, national origin, sexual orientation, military
8 status, sex, age, disability, marital status, domestic violence victim
9 status, lawful source of income or familial status of such person or
10 persons, or to represent that any housing accommodation, land or commer-
11 cial space is not available for inspection, sale, rental or lease when
12 in fact it is so available, or otherwise to deny or withhold any housing
13 accommodation, land or commercial space or any facilities of any housing
14 accommodation, land or commercial space from any person or group of
15 persons because of the race, creed, color, national origin, sexual
16 orientation, military status, sex, age, disability, marital status,
17 domestic violence victim status, lawful source of income or familial
18 status of such person or persons.

19 (2) To print or circulate or cause to be printed or circulated any
20 statement, advertisement or publication, or to use any form of applica-
21 tion for the purchase, rental or lease of any housing accommodation,
22 land or commercial space or to make any record or inquiry in connection
23 with the prospective purchase, rental or lease of any housing accommo-
24 dation, land or commercial space which expresses, directly or indirect-
25 ly, any limitation, specification, or discrimination as to race, creed,
26 color, national origin, sexual orientation, military status, sex, age,
27 disability, marital status, domestic violence victim status, lawful

1 source of income or familial status; or any intent to make any such
2 limitation, specification or discrimination.

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

15 (d) It shall be an unlawful discriminatory practice for any real
16 estate board, because of the race, creed, color, national origin, sexual
17 orientation, military status, age, sex, disability, marital status,
18 domestic violence victim status, lawful source of income or familial
19 status of any individual who is otherwise qualified for membership, to
20 exclude or expel such individual from membership, or to discriminate
21 against such individual in the terms, conditions and privileges of
22 membership in such board.

23 (e) It shall be an unlawful discriminatory practice for the owner,
24 proprietor or managing agent of, or other person having the right to
25 provide care and services in, a private proprietary nursing home, conva-
26 lescent home, or home for adults, or an intermediate care facility, as
27 defined in section two of the social services law, heretofore
28 constructed, or to be constructed, or any agent or employee thereof, to

1 refuse to provide services and care in such home or facility to any
2 individual or to discriminate against any individual in the terms,
3 conditions, and privileges of such services and care solely because such
4 individual is a blind person. For purposes of this paragraph, a "blind
5 person" shall mean a person who is registered as a blind person with the
6 commission for the visually handicapped and who meets the definition of
7 a "blind person" pursuant to section three of chapter four hundred
8 fifteen of the laws of nineteen hundred thirteen entitled "An act to
9 establish a state commission for improving the condition of the blind of
10 the state of New York, and making an appropriation therefor".

11 (f) The provisions of this subdivision, as they relate to age, shall
12 not apply to persons under the age of eighteen years.

13 (g) It shall be an unlawful discriminatory practice for any person
14 offering or providing housing accommodations, land or commercial space
15 as described in paragraphs (a), (b), and (c) of this subdivision to make
16 or cause to be made any written or oral inquiry or record concerning
17 membership of any person in the state organized militia in relation to
18 the purchase, rental or lease of such housing accommodation, land, or
19 commercial space, provided, however, that nothing in this subdivision
20 shall prohibit a member of the state organized militia from voluntarily
21 disclosing such membership.

22 (h) No provision of this section shall be construed to prohibit an
23 owner, lessee, sublessee, assignee, or managing agent of any housing
24 accommodation, public or private, or other person having the right of
25 ownership or possession of or the right to rent or lease such an accom-
26 modation, from making any inquiry or obtaining or retaining information
27 about an individual's domestic violence victim status solely for the
28 purpose of:

1 (1) providing or preserving residency in any public or private housing
2 for that victim of domestic violence;

3 (2) providing any other assistance to a victim of domestic violence,
4 the purpose of which is to assist rather than to hinder obtaining or
5 retaining any public or private housing; or

6 (3) responding to an inquiry or request by an applicant, tenant, or
7 leaseholder who is a victim of domestic violence.

8 (i) The provisions of this subdivision prohibiting discriminatory
9 practices based on source of income shall not be construed to prohibit
10 the refusal of a sale, rental or lease of commercial space based on the
11 type of commercial activity such purchaser, renter or lessee will use
12 such commercial space for.

13 § 2-a. Section 296 of the executive law is amended by adding two new
14 subdivisions 22 and 23 to read as follows:

15 22. (a) Notwithstanding the provisions of subdivisions two-a and five
16 of this section relating to the prohibition of unlawful discriminatory
17 practices based on source of income, such provisions shall not apply to
18 housing accommodations that contain a total of five or fewer housing
19 units located within a municipality that had a local law pertaining to
20 such discriminatory practices, which exempted housing accommodations
21 that contained five or fewer housing units from such prohibition, in
22 existence prior to the effective date of this subdivision.

23 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
24 sion, the provisions of subdivisions two-a and five of this section
25 relating to the prohibition of unlawful discriminatory practices based
26 on source of income shall apply (i) to tenants subject to rent control
27 laws who reside in housing accommodations that contain a total of five
28 or fewer units as of the effective date of this subdivision; and (ii) to

1 all housing accommodations, regardless of the number of units contained
2 in each, of any owner or any agent thereof who has the right to sell,
3 rent or lease or approve the sale, rental or lease of at least one hous-
4 ing accommodation within the municipality that contains six or more
5 housing units, constructed or to be constructed, or an interest therein.
6 23. Nothing in this section regarding source of income shall be
7 construed as limiting the rights of a property owner, or his or her
8 agent, to refuse to enter into, fail to renew, or terminate a lease or
9 tenancy agreement because a tenant fails to meet reasonable financial
10 standards established by a property owner, or his or her agent, to
11 determine the tenant's ability to pay for the housing accommodation.
12 § 3. This act shall take effect on the ninetieth day after it shall
13 have become a law.

14

PART F

15 Section 1. The family court act is amended by adding a new section 169
16 to read as follows:
17 § 169. Translation of orders of protection. Where an interpreter has
18 been appointed by the court to assist in the proceeding before the
19 court, the court shall also direct such interpreter to translate into
20 the appropriate language on the record, while the interpreter is present
21 in court, the essential terms and conditions, as clearly outlined by the
22 court, of any order of protection or temporary order of protection
23 issued by the court under article three, four, five, six, seven, eight
24 or ten of this act. Such translation shall not affect the validity or
25 enforceability of the order. The failure to have a translation placed
26 on the record in accord with this section shall not bar the issuance of

1 an order of protection or temporary order of protection where compliance
2 with this section within a reasonable period of time is not practicable.

3 § 2. Section 530.12 of the criminal procedure law is amended by adding
4 a new subdivision 5-a to read as follows:

5 5-a. Where an interpreter has been appointed by the court to assist in
6 the proceeding before the court, the court shall also direct such inter-
7 preter to translate into the appropriate language on the record, while
8 the interpreter is present in court, the essential terms and conditions,
9 as clearly outlined by the court, of any order of protection or tempo-
10 rary order of protection issued by the court pursuant to this section.
11 Such translation shall not affect the validity or enforceability of the
12 order. The failure to have a translation placed on the record in accord
13 with this section shall not bar the issuance of an order of protection
14 or temporary order of protection where compliance with this section
15 within a reasonable period of time is not practicable.

16 § 3. Section 530.13 of the criminal procedure law is amended by adding
17 a new subdivision 4-a to read as follows:

18 4-a. Where an interpreter has been appointed by the court to assist in
19 the proceeding before the court, the court shall also direct such
20 interpreter to translate into the appropriate language on the record,
21 while the interpreter is present in court, the essential terms and
22 conditions, as clearly outlined by the court, of any order of protection
23 or temporary order of protection issued by the court pursuant to this
24 section. Such translation shall not affect the validity or enforceabil-
25 ity of the order. The failure to have a translation placed on the
26 record in accord with this section shall not bar the issuance of an
27 order of protection or temporary order of protection where compliance
28 with this section within a reasonable period of time is not practicable.

1 § 4. Subdivision 3 of section 240 of the domestic relations law is
2 amended by adding a new paragraph a-1 to read as follows:

3 a-1. Where an interpreter has been appointed by the court to assist in
4 the proceeding before the court, the court shall also direct such inter-
5 preter to translate into the appropriate language on the record, while
6 the interpreter is present in court, the essential terms and conditions,
7 as clearly outlined by the court, of any order of protection or tempo-
8 rary order of protection issued by the court pursuant to this section.
9 Such translation shall not affect the validity or enforceability of the
10 order. The failure to have a translation placed on the record in accord
11 with this section shall not bar the issuance of an order of protection
12 or temporary order of protection where compliance with this section
13 within a reasonable period of time is not practicable.

14 § 5. Section 252 of the domestic relations law is amended by adding a
15 new subdivision 1-a to read as follows:

16 1-a. Where an interpreter has been appointed by the court to assist in
17 the proceeding before the court, the court shall also direct such inter-
18 preter to translate into the appropriate language on the record, while
19 the interpreter is present in court, the essential terms and conditions,
20 as clearly outlined by the court, of any order of protection or tempo-
21 rary order of protection issued by the court pursuant to this section.
22 Such translation shall not affect the validity or enforceability of the
23 order. The failure to have a translation placed on the record in accord
24 with this section shall not bar the issuance of an order of protection
25 or temporary order of protection where compliance with this section
26 within a reasonable period of time is not practicable.

1 § 6. Paragraph b of subdivision 3 of section 240 of the domestic
2 relations law, as amended by chapter 597 of the laws of 1998, is amended
3 and a new paragraph i is added to read as follows:

4 b. An order of protection entered pursuant to this subdivision shall
5 bear in a conspicuous manner, on the front page of said order, the
6 language "Order of protection issued pursuant to section two hundred
7 forty of the domestic relations law". The order of protection shall also
8 contain the following notice: "This order of protection will remain in
9 effect even if the protected party has, or consents to have, contact or
10 communication with the party against whom the order is issued. The
11 parties are encouraged to contact the court if they seek to modify or
12 terminate this order of protection as such may only be modified or
13 terminated by the court. The protected party cannot be held to violate
14 this order nor be arrested for violating this order.". The absence of
15 such language shall not affect the validity of such order. The presen-
16 tation of a copy of such an order to any peace officer acting pursuant
17 to his or her special duties, or police officer, shall constitute
18 authority, for that officer to arrest a person when that person has
19 violated the terms of such an order, and bring such person before the
20 court and, otherwise, so far as lies within the officer's power, to aid
21 in securing the protection such order was intended to afford.

22 i. The protected party in whose favor the order of protection or
23 temporary order of protection is issued may not be held to violate such
24 an order nor may such protected party be arrested for violating such
25 order.

26 § 7. Subdivision 2 of section 252 of the domestic relations law, as
27 added by chapter 349 of the laws of 1995, is amended and a new subdivi-
28 sion 9-a is added to read as follows:

1 2. An order of protection entered pursuant to this subdivision shall
2 bear in a conspicuous manner, on the front page of said order, the
3 language "Order of protection issued pursuant to section two hundred
4 fifty-two of the domestic relations law". The order of protection shall
5 also contain the following notice: "This order of protection will remain
6 in effect even if the protected party has, or consents to have, contact
7 or communication with the party against whom the order is issued. The
8 parties are encouraged to contact the court if they seek to modify or
9 terminate this order of protection as such may only be modified or
10 terminated by the court. The protected party cannot be held to violate
11 this order nor be arrested for violating this order.". The absence of
12 such language shall not affect the validity of such order. The presen-
13 tation of a copy of such an order to any peace officer acting pursuant
14 to his or her special duties, or police officer, shall constitute
15 authority, for that officer to arrest a person when that person has
16 violated the terms of such an order, and bring such person before the
17 court and, otherwise, so far as lies within the officer's power, to aid
18 in securing the protection such order was intended to afford.

19 9-a. The protected party in whose favor the order of protection or
20 temporary order of protection is issued may not be held to violate an
21 order issued in his or her favor nor may such protected party be
22 arrested for violating such order.

23 § 8. Section 155 of the family court act is amended by adding a new
24 subdivision 3 to read as follows:

25 3. The protected party in whose favor the order of protection or
26 temporary order of protection is issued may not be held to violate an
27 order issued in his or her favor nor may such protected party be
28 arrested for violating such order.

1 § 9. Subdivision 3 of section 168 of the family court act, as added by
2 chapter 164 of the laws of 1989, is amended to read as follows:

3 3. Any order of protection or temporary order of protection issued by
4 the family court shall bear, in a conspicuous manner, the language, as
5 the case may be, "this order constitutes an order of protection" or
6 "this order constitutes a temporary order of protection", on the front
7 page of said order. The order of protection or temporary order of
8 protection shall also contain the following notice: "This order of
9 protection will remain in effect even if the protected party has, or
10 consents to have, contact or communication with the party against whom
11 the order is issued. The parties are encouraged to contact the court if
12 they seek to modify or terminate this order of protection as such may
13 only be modified or terminated by the court. The protected party cannot
14 be held to violate this order nor be arrested for violating this
15 order.". The absence of such language shall not affect the validity of
16 such order.

17 § 10. Section 446 of the family court act is amended by adding a new
18 closing paragraph to read as follows:

19 The protected party in whose favor the order of protection or tempo-
20 rary order of protection is issued may not be held to violate an order
21 issued in his or her favor nor may such protected party be arrested for
22 violating such order.

23 § 11. Section 551 of the family court act is amended by adding a new
24 closing paragraph to read as follows:

25 The protected party in whose favor the order of protection or tempo-
26 rary order of protection is issued may not be held to violate an order
27 issued in his or her favor nor may such protected party be arrested for
28 violating such order.

1 § 12. Section 656 of the family court act is amended by adding a new
2 closing paragraph to read as follows:

3 The protected party in whose favor the order of protection or tempo-
4 rary order of protection is issued may not be held to violate an order
5 issued in his or her favor nor may such protected party be arrested for
6 violating such order.

7 § 13. Section 759 of the family court act is amended by adding a new
8 closing paragraph to read as follows:

9 The protected party in whose favor the order of protection or tempo-
10 rary order of protection is issued may not be held to violate an order
11 issued in his or her favor nor may such protected party be arrested for
12 violating such order.

13 § 14. Section 842 of the family court act is amended by adding a new
14 closing paragraph to read as follows:

15 The protected party in whose favor the order of protection or tempo-
16 rary order of protection is issued may not be held to violate an order
17 issued in his or her favor nor may such protected party be arrested for
18 violating such order.

19 § 15. Section 846 of the family court act is amended by adding a new
20 subdivision (a-1) to read as follows:

21 (a-1) The protected party in whose favor the order of protection or
22 temporary order of protection is issued may not be held to violate an
23 order issued in his or her favor nor may such protected party be
24 arrested for violating such order.

25 § 16. Section 1056 of the family court act is amended by adding a new
26 subdivision 7 to read as follows:

27 7. The protected party in whose favor the order of protection or
28 temporary order of protection is issued may not be held to violate an

1 order issued in his or her favor nor may such protected party be
2 arrested for violating such order.

3 § 17. Subdivision 4 of section 140.10 of the criminal procedure law is
4 amended by adding a new second undesignated paragraph to read as
5 follows:

6 The protected party in whose favor the order of protection or tempo-
7 rary order of protection is issued may not be held to violate an order
8 issued in his or her favor nor may such protected party be arrested for
9 violating such order.

10 § 18. Subdivisions 6 and 8 of section 530.12 of the criminal procedure
11 law, subdivision 6 as amended by chapter 164 of the laws of 1989, the
12 closing paragraph of subdivision 6 as added by chapter 222 of the laws
13 of 1994 and subdivision 8 as amended by section 81 of subpart B of part
14 C of chapter 62 of the laws of 2011, are amended to read as follows:

15 6. An order of protection or a temporary order of protection issued
16 pursuant to subdivision one, two, three, four or five of this section
17 shall bear in a conspicuous manner the term "order of protection" or
18 "temporary order of protection" as the case may be and a copy shall be
19 filed by the clerk of the court with the sheriff's office in the county
20 in which the complainant resides, or, if the complainant resides within
21 a city, with the police department of such city. The order of
22 protection or temporary order of protection shall also contain the
23 following notice: "This order of protection will remain in effect even
24 if the protected party has, or consents to have, contact or communi-
25 cation with the party against whom the order is issued. The parties are
26 encouraged to contact the court if they seek to modify or terminate this
27 order of protection as such may only be modified or terminated by the
28 court. The protected party cannot be held to violate this order nor be

1 arrested for violating this order.". The absence of such language shall
2 not affect the validity of such order. A copy of such order of
3 protection or temporary order of protection may from time to time be
4 filed by the clerk of the court with any other police department or
5 sheriff's office having jurisdiction of the residence, work place, and
6 school of anyone intended to be protected by such order. A copy of the
7 order may also be filed by the complainant at the appropriate police
8 department or sheriff's office having jurisdiction. Any subsequent
9 amendment or revocation of such order shall be filed in the same manner
10 as herein provided.

11 Such order of protection shall plainly state the date that such order
12 expires.

13 8. In any proceeding in which an order of protection or temporary
14 order of protection or a warrant has been issued under this section, the
15 clerk of the court shall issue to the complainant and defendant and
16 defense counsel and to any other person affected by the order a copy of
17 the order of protection or temporary order of protection and ensure that
18 a copy of the order of protection or temporary order of protection be
19 transmitted to the local correctional facility where the individual is
20 or will be detained, the state or local correctional facility where the
21 individual is or will be imprisoned, and the supervising probation
22 department or department of corrections and community supervision where
23 the individual is under probation or parole supervision. The presenta-
24 tion of a copy of such order or a warrant to any peace officer acting
25 pursuant to his or her special duties or police officer shall constitute
26 authority for him or her to arrest a person who has violated the terms
27 of such order and bring such person before the court and, otherwise, so
28 far as lies within his or her power, to aid in securing the protection

1 such order was intended to afford. The protected party in whose favor
2 the order of protection or temporary order of protection is issued may
3 not be held to violate an order issued in his or her favor nor may such
4 protected party be arrested for violating such order.

5 § 19. This act shall take effect immediately provided however that:

6 (a) sections one through five of this act shall take effect on the
7 ninetieth day after it shall have become a law and shall apply to orders
8 of protection issued on or after such effective date; and

9 (b) sections six through eighteen of this act shall apply to all
10 orders of protection regardless of when such orders were issued, except
11 that:

12 (i) the amendments to paragraph b of subdivision 3 of section 240 of
13 the domestic relations law made by section six of this act, the amend-
14 ments to subdivision 2 of section 252 of the domestic relations law made
15 by section seven of this act, the amendments to subdivision 3 of section
16 168 of the family court act made by section nine of this act, and the
17 amendments to subdivision 6 of section 530.12 of the criminal procedure
18 law made by section eighteen of this act shall take effect on the nine-
19 tieth day after this act shall have become a law, and shall apply to
20 orders of protection issued on or after such effective date; and

21 (ii) the amendments to subdivision 4 of section 140.10 of the criminal
22 procedure law, made by section seventeen of this act, shall not affect
23 the repeal of such subdivision, and shall be deemed repealed therewith.

24

PART G

25 Section 1. Section 153-c of the family court act, as added by chapter
26 416 of the laws of 1981, is amended to read as follows:

1 § 153-c. Temporary order of protection. (a) Any person appearing at
2 family court when the court is open requesting a temporary order of
3 protection under any article of this act shall be entitled to file a
4 petition without delay on the same day such person first appears at the
5 family court, and a hearing on that request shall be held on the same
6 day or the next day that the family court is open following the filing
7 of such petition.

8 (b) As provided in this section, the chief administrator of the
9 courts, with the approval of the administrative board of the courts, may
10 promulgate rules to establish and implement a pilot program for the
11 filing of petitions for temporary orders of protection by electronic
12 means and for the issuance of such orders ex parte by audio-visual means
13 in order to accommodate litigants for whom attendance at court to file
14 for, and obtain, emergency relief would constitute an undue hardship or
15 create a risk of harm.

16 (1) Definitions. As used in this section:

17 (i) "Electronic means" means any method of transmission of information
18 between computers or other machines designed for the purpose of sending
19 and receiving such transmissions, and which allows the recipient to
20 reproduce the information transmitted in a tangible medium of
21 expression.

22 (ii) "Independent audio-visual system" means an electronic system for
23 the transmission and receiving of audio and visual signals, encompassing
24 encoded signals, frequency domain multiplexing or other suitable means
25 to preclude the unauthorized reception and decoding of the signals by
26 commercially available television receivers, channel converters, or
27 other available receiving devices.

1 (iii) "Electronic appearance" means an appearance in which one or more
2 of the parties are not present in the court, but in which, by means of
3 an independent audio-visual system, all of the participants are simul-
4 taneously able to see and hear reproductions of the voices and images of
5 the judge, counsel, parties and witnesses, if any.

6 (2) Development of a pilot program. A plan for a pilot program pursu-
7 ant to this section shall be developed by the chief administrator of the
8 courts or his or her delegate in consultation with one or more local
9 programs providing assistance to victims of domestic violence, the
10 office for the prevention of domestic violence, and attorneys who repre-
11 sent family offense petitions. The plan shall include, but is not
12 limited to:

13 (i) identification of one or more family justice centers or organiza-
14 tions or agencies or other sites outside of the local family court that
15 are equipped with, or have access to, an independent audio-visual system
16 and electronic means for filing documents that are compatible with the
17 equipment in the local family court, with consideration given to the
18 location of such site or sites and available resources; and

19 (ii) identification of one or more licensed and certified organiza-
20 tions, agencies or entities with advocates for victims of domestic
21 violence who are trained, or will be trained, and available to assist
22 petitioners in preparing and filing petitions for temporary orders of
23 protection and in their electronic appearances before the family court
24 to obtain such orders; and

25 (iii) identification of the existing resources available in local
26 family courts for the implementation and oversight of the pilot program;
27 and

1 (iv) delineation of procedures for filing of the petitions and docu-
2 ments, if any, by electronic means, swearing in the petitioners and any
3 witnesses, preparation of a verbatim transcription of testimony
4 presented and a record of evidence adduced and prompt transmission of
5 any orders issued to the petitioners; and

6 (v) a timetable for implementation of the pilot program and plan for
7 informing the public of its availability; and

8 (vi) a description of data to be collected in order to evaluate and,
9 if necessary, make recommendations for improvements to the pilot
10 program.

11 (3) Filing by electronic means. In conjunction with an electronic
12 appearance under this section, petitioners for ex parte temporary orders
13 of protection may, with the assistance of trained advocates, commence
14 the proceedings by filing petitions by electronic means.

15 (i) A petitioner who seeks a temporary order of protection ex parte by
16 use of an electronic appearance must file a petition in advance of such
17 appearance and may do so by electronic means; provided, however, that
18 nothing in this section shall be construed to compel a party to file a
19 petition or other document by electronic means or to testify by means of
20 an electronic appearance.

21 (ii) No petition or other document that is filed by electronic means
22 under this section shall be available for public inspection on-line.

23 (iii) Nothing in this section shall affect or change any existing laws
24 governing the service of process, including requirements for personal
25 service, or the sealing and confidentiality of court records in family
26 court proceedings, or access to court records by the parties to such
27 proceedings.

1 § 2. Section 60.13 of the penal law, as added by chapter 7 of the laws
2 of 2007, is amended to read as follows:

3 § 60.13 Authorized dispositions; felony sex offenses.

4 When a person is to be sentenced upon a conviction for any felony
5 defined in article one hundred thirty of this chapter, including a sexu-
6 ally motivated felony, or patronizing a [prostitute] person for prosti-
7 tution in the first degree as defined in section 230.06 of this chapter,
8 aggravated patronizing a minor for prostitution in the third degree as
9 defined in section 230.11 of this chapter, aggravated patronizing a
10 minor for prostitution in the second degree as defined in section 230.12
11 of this chapter, aggravated patronizing a minor for prostitution in the
12 first degree as defined in section 230.13 of this chapter, incest in the
13 second degree as defined in section 255.26 of this chapter, or incest in
14 the first degree as defined in section 255.27 of this chapter, or a
15 felony attempt or conspiracy to commit any of these crimes, the court
16 must sentence the defendant in accordance with the provisions of section
17 70.80 of this title.

18 § 3. Paragraph (a) of subdivision 1 of section 70.02 of the penal law,
19 as amended by chapter 320 of the laws of 2006, is amended to read as
20 follows:

21 (a) Class B violent felony offenses: an attempt to commit the class
22 A-I felonies of murder in the second degree as defined in section
23 125.25, kidnapping in the first degree as defined in section 135.25, and
24 arson in the first degree as defined in section 150.20; manslaughter in
25 the first degree as defined in section 125.20, aggravated manslaughter
26 in the first degree as defined in section 125.22, rape in the first
27 degree as defined in section 130.35, criminal sexual act in the first
28 degree as defined in section 130.50, aggravated sexual abuse in the

1 first degree as defined in section 130.70, course of sexual conduct
2 against a child in the first degree as defined in section 130.75;
3 assault in the first degree as defined in section 120.10, kidnapping in
4 the second degree as defined in section 135.20, burglary in the first
5 degree as defined in section 140.30, arson in the second degree as
6 defined in section 150.15, robbery in the first degree as defined in
7 section 160.15, sex trafficking as defined in section 230.34, incest in
8 the first degree as defined in section 255.27, criminal possession of a
9 weapon in the first degree as defined in section 265.04, criminal use of
10 a firearm in the first degree as defined in section 265.09, criminal
11 sale of a firearm in the first degree as defined in section 265.13,
12 aggravated assault upon a police officer or a peace officer as defined
13 in section 120.11, gang assault in the first degree as defined in
14 section 120.07, intimidating a victim or witness in the first degree as
15 defined in section 215.17, hindering prosecution of terrorism in the
16 first degree as defined in section 490.35, criminal possession of a
17 chemical weapon or biological weapon in the second degree as defined in
18 section 490.40, and criminal use of a chemical weapon or biological
19 weapon in the third degree as defined in section 490.47.

20 § 4. Paragraph (a) of subdivision 1 of section 70.80 of the penal law,
21 as added by chapter 7 of the laws of 2007, is amended to read as
22 follows:

23 (a) For the purposes of this section, a "felony sex offense" means a
24 conviction of any felony defined in article one hundred thirty of this
25 chapter, including a sexually motivated felony, or patronizing a [pros-
26 titute] person for prostitution in the first degree as defined in
27 section 230.06 of this chapter, patronizing a person for prostitution in
28 the second degree as defined in section 230.05 of this chapter, aggra-

1 vated patronizing a minor for prostitution in the third degree as
2 defined in section 230.11 of this chapter, aggravated patronizing a
3 minor for prostitution in the second degree as defined in section 230.12
4 of this chapter, aggravated patronizing a minor for prostitution in
5 first degree as defined in section 230.13 of this chapter, incest in the
6 second degree as defined in section 255.26 of this chapter, or incest in
7 the first degree as defined in section 255.27 of this chapter, or a
8 felony attempt or conspiracy to commit any of the above.

9 § 5. The closing paragraph of section 135.35 of the penal law, as
10 added by chapter 74 of the laws of 2007, is amended to read as follows:

11 Labor trafficking is a class [D] B felony.

12 § 6. The penal law is amended by adding a new section 230.01 to read
13 as follows:

14 § 230.01 Prostitution; affirmative defense.

15 In any prosecution under section 230.00 or subdivision two of section
16 240.37 of this part, it is an affirmative defense that the defendant's
17 participation in the offense was a result of having been a victim of sex
18 trafficking under section 230.34 of this article or a victim of traf-
19 ficking in persons under the trafficking victims protection act (United
20 States Code, Title 22, Chapter 78).

21 § 7. The section heading and subdivision 1 of section 230.02 of the
22 penal law, as amended by chapter 627 of the laws of 1978, are amended to
23 read as follows:

24 Patronizing a [prostitute] person for prostitution; definitions.

25 1. A person patronizes a [prostitute] person for prostitution when:

26 (a) Pursuant to a prior understanding, he or she pays a fee to another
27 person as compensation for such person or a third person having engaged
28 in sexual conduct with him or her; or

1 (b) He or she pays or agrees to pay a fee to another person pursuant
2 to an understanding that in return therefor such person or a third
3 person will engage in sexual conduct with him or her; or

4 (c) He or she solicits or requests another person to engage in sexual
5 conduct with him or her in return for a fee.

6 § 8. Subdivision 2 of section 230.03 of the penal law, as added by
7 chapter 191 of the laws of 2011, is amended to read as follows:

8 2. For the purposes of this section, section 230.08 and section 230.19
9 of this article, "school zone" means (a) in or on or within any build-
10 ing, structure, athletic playing field, playground or land contained
11 within the real property boundary line of a public or private elementa-
12 ry, parochial, intermediate, junior high, vocational, or high school, or
13 (b) any public sidewalk, street, parking lot, park, playground or
14 private land, located immediately adjacent to the boundary line of such
15 school.

16 § 9. Section 230.04 of the penal law, as amended by chapter 74 of the
17 laws of 2007, is amended to read as follows:

18 § 230.04 Patronizing a [prostitute] person for prostitution in the third
19 degree.

20 A person is guilty of patronizing a [prostitute] person for prostitu-
21 tion in the third degree when he or she patronizes a [prostitute] person
22 for prostitution.

23 Patronizing a [prostitute] person for prostitution in the third degree
24 is a class A misdemeanor.

25 § 10. Section 230.05 of the penal law, as added by chapter 627 of the
26 laws of 1978, is amended to read as follows:

27 § 230.05 Patronizing a [prostitute] person for prostitution in the
28 second degree.

1 A person is guilty of patronizing a [prostitute] person for prostitu-
2 tion in the second degree when, being [over] eighteen years [of age] old
3 or more, he or she patronizes a [prostitute] person for prostitution and
4 the person patronized is less than [fourteen] fifteen years [of age]
5 old.

6 Patronizing a [prostitute] person for prostitution in the second
7 degree is a class E felony.

8 § 11. Section 230.06 of the penal law, as added by chapter 627 of the
9 laws of 1978, is amended to read as follows:

10 § 230.06 Patronizing a [prostitute] person for prostitution in the first
11 degree.

12 A person is guilty of patronizing a [prostitute] person for prostitu-
13 tion in the first degree when [he]:

14 1. He or she patronizes a [prostitute] person for prostitution and the
15 person patronized is less than eleven years [of age] old; or

16 2. Being eighteen years old or more, he or she patronizes a person for
17 prostitution and the person patronized is less than thirteen years old.

18 Patronizing a [prostitute] person for prostitution in the first degree
19 is a class D felony.

20 § 12. The penal law is amended by adding a new section 230.08 to read
21 as follows:

22 § 230.08 Patronizing a person for prostitution in a school zone.

23 1. A person is guilty of patronizing a person for prostitution in a
24 school zone when he or she commits the crime of patronizing a person for
25 prostitution in violation of section 230.04, 230.05, or 230.06 of this
26 article in a school zone during the hours that school is in session.

27 2. For purposes of this section, "school zone" shall mean "school
28 zone" as defined in subdivision two of section 230.03 of this article.

1 Patronizing a person for prostitution in a school zone is a class E
2 felony.

3 § 13. The section heading and the opening paragraph of section 230.10
4 of the penal law are amended to read as follows:

5 Prostitution and patronizing a [prostitute] person for prostitution;
6 no defense.

7 In any prosecution for prostitution or patronizing a [prostitute]
8 person for prostitution, the sex of the two parties or prospective
9 parties to the sexual conduct engaged in, contemplated or solicited is
10 immaterial, and it is no defense that:

11 § 14. The penal law is amended by adding three new sections 230.11,
12 230.12 and 230.13 to read as follows:

13 § 230.11 Aggravated patronizing a minor for prostitution in the third
14 degree.

15 A person is guilty of aggravated patronizing a minor for prostitution
16 in the third degree when, being twenty-one years old or more, he or she
17 patronizes a person for prostitution and the person patronized is less
18 than seventeen years old and the person guilty of patronizing engages in
19 sexual intercourse, oral sexual conduct, anal sexual conduct, or aggra-
20 vated sexual conduct as those terms are defined in section 130.00 of
21 this part.

22 Aggravated patronizing a minor for prostitution in the third degree is
23 a class E felony.

24 § 230.12 Aggravated patronizing a minor for prostitution in the second
25 degree.

26 A person is guilty of aggravated patronizing a minor for prostitution
27 in the second degree when, being eighteen years old or more, he or she
28 patronizes a person for prostitution and the person patronized is less

1 than fifteen years old and the person guilty of patronizing engages in
2 sexual intercourse, oral sexual conduct, anal sexual conduct, or aggra-
3 vated sexual conduct as those terms are defined in section 130.00 of
4 this part.

5 Aggravated patronizing a minor for prostitution in the second degree
6 is a class D felony.

7 § 230.13 Aggravated patronizing a minor for prostitution in the first
8 degree.

9 A person is guilty of aggravated patronizing a minor for prostitution
10 in the first degree when he or she patronizes a person for prostitution
11 and the person patronized is less than eleven years old, or being eigh-
12 teen years old or more, he or she patronizes a person for prostitution
13 and the person patronized is less than thirteen years old, and the
14 person guilty of patronizing engages in sexual intercourse, oral sexual
15 conduct, anal sexual conduct, or aggravated sexual conduct as those
16 terms are defined in section 130.00 of this part.

17 Aggravated patronizing a minor for prostitution in the first degree is
18 a class B felony.

19 § 15. Subdivisions 1 and 2 of section 230.15 of the penal law are
20 amended to read as follows:

21 1. "Advance prostitution." A person "advances prostitution" when,
22 acting other than as a [prostitute] person in prostitution or as a
23 patron thereof, he or she knowingly causes or aids a person to commit or
24 engage in prostitution, procures or solicits patrons for prostitution,
25 provides persons or premises for prostitution purposes, operates or
26 assists in the operation of a house of prostitution or a prostitution
27 enterprise, or engages in any other conduct designed to institute, aid
28 or facilitate an act or enterprise of prostitution.

1 2. "Profit from prostitution." A person "profits from prostitution"
2 when, acting other than as a [prostitute] person in prostitution receiv-
3 ing compensation for personally rendered prostitution services, he or
4 she accepts or receives money or other property pursuant to an agreement
5 or understanding with any person whereby he or she participates or is to
6 participate in the proceeds of prostitution activity.

7 § 16. Subdivision 1 of section 230.19 of the penal law, as added by
8 chapter 191 of the laws of 2011, is amended to read as follows:

9 1. A person is guilty of promoting prostitution in a school zone when,
10 being nineteen years [of age] old or [older] more, he or she knowingly
11 advances or profits from prostitution [that he or she knows or reason-
12 ably should know is or will be committed in violation of section 230.03
13 of this article] in a school zone during the hours that school is in
14 session.

15 § 17. The opening paragraph and subdivisions 1 and 2 of section 230.25
16 of the penal law, the opening paragraph and subdivision 2 as amended by
17 chapter 627 of the laws of 1978 and subdivision 1 as amended by chapter
18 74 of the laws of 2007, are amended to read as follows:

19 A person is guilty of promoting prostitution in the third degree when
20 he or she knowingly:

21 1. Advances or profits from prostitution by managing, supervising,
22 controlling or owning, either alone or in association with others, a
23 house of prostitution or a prostitution business or enterprise involving
24 prostitution activity by two or more [prostitutes] persons in prostitu-
25 tion, or a business that sells travel-related services knowing that such
26 services include or are intended to facilitate travel for the purpose of
27 patronizing a [prostitute] person for prostitution, including to a

1 foreign jurisdiction and regardless of the legality of prostitution in
2 said foreign jurisdiction; or

3 2. Profits from prostitution by engaging, either alone or in associ-
4 ation with others, in a business or enterprise that regularly or prima-
5 riarily engages in the transporting of a person or persons for the purpose
6 of prostitution; or

7 3. Advances or profits from prostitution of a person less than nine-
8 teen years old.

9 § 18. The opening paragraph of section 230.30 of the penal law, as
10 amended by chapter 627 of the laws of 1978, is amended to read as
11 follows:

12 A person is guilty of promoting prostitution in the second degree when
13 he or she knowingly:

14 § 19. The first undesignated paragraph of section 230.32 of the penal
15 law, as added by chapter 627 of the laws of 1978, is amended to read as
16 follows:

17 A person is guilty of promoting prostitution in the first degree when
18 he or she knowingly advances or profits from prostitution of a person
19 less than [eleven] thirteen years old.

20 § 20. Section 230.33 of the penal law, as added by chapter 450 of the
21 laws of 2005, is amended to read as follows:

22 § 230.33 Compelling prostitution.

23 A person is guilty of compelling prostitution when, being twenty-one
24 years [of age or older] old or more, he or she knowingly advances pros-
25 titution by compelling a person less than [sixteen] eighteen years old,
26 by force or intimidation, to engage in prostitution.

27 Compelling prostitution is a class B felony.

1 § 21. Paragraph (h) of subdivision 5 of section 230.34 of the penal
2 law, as added by chapter 74 of the laws of 2007, is amended and a new
3 subdivision 6 is added to read as follows:

4 (h) perform any other act which would not in itself materially benefit
5 the actor but which is calculated to harm the person who is patronized
6 materially with respect to his or her health, safety, or immigration
7 status[.]; or

8 6. knowingly advancing prostitution of a person less than eighteen
9 years old.

10 § 22. Section 230.35 of the penal law, as amended by chapter 450 of
11 the laws of 2005, is amended to read as follows:

12 § 230.35 Promoting or compelling prostitution; accomplice.

13 In a prosecution for promoting prostitution or compelling prostitu-
14 tion, a person less than [seventeen] eighteen years [of age] old from
15 whose prostitution activity another person is alleged to have advanced
16 or attempted to advance or profited or attempted to profit shall not be
17 deemed to be an accomplice.

18 § 23. The first undesignated paragraph of section 230.40 of the penal
19 law is amended to read as follows:

20 A person is guilty of permitting prostitution when, having possession
21 or control of premises or vehicle which he or she knows are being used
22 for prostitution purposes or for the purpose of advancing prostitution,
23 he or she fails to make reasonable effort to halt or abate such use.

24 § 24. Subdivision 2 of section 240.37 of the penal law, as added by
25 chapter 344 of the laws of 1976, is amended, and subdivision 3 is renum-
26 bered subdivision 4 and a new subdivision 3 is added to read as follows:

27 2. Any person who remains or wanders about in a public place and
28 repeatedly beckons to, or repeatedly stops, or repeatedly attempts to

1 stop, or repeatedly attempts to engage passers-by in conversation, or
2 repeatedly stops or attempts to stop motor vehicles, or repeatedly
3 interferes with the free passage of other persons, for the purpose of
4 prostitution[, or of patronizing a prostitute as those terms are] as
5 that term is defined in article two hundred thirty of [the penal law]
6 this part, shall be guilty of a violation and is guilty of a class B
7 misdemeanor if such person has previously been convicted of a violation
8 of this section or of [sections] section 230.00 [or 230.05] of [the
9 penal law] this part.

10 3. Any person who remains or wanders about in a public place and
11 repeatedly beckons to, or repeatedly stops, or repeatedly attempts to
12 stop, or repeatedly attempts to engage passers-by in conversation, or
13 repeatedly stops or attempts to stop motor vehicles, or repeatedly
14 interferes with the free passage of other persons, for the purpose of
15 patronizing a person for prostitution as defined in section 230.02 of
16 this part, shall be guilty of a violation and is guilty of a class B
17 misdemeanor if such person has previously been convicted of a violation
18 of this section or of section 230.04, 230.05, 230.06 or 230.08 of this
19 part.

20 § 25. Subdivision 6 of section 380.50 of the criminal procedure law,
21 as amended by chapter 320 of the laws of 2006, is amended to read as
22 follows:

23 6. Regardless of whether the victim requests to make a statement with
24 regard to the defendant's sentence, where the defendant is sentenced for
25 a violent felony offense as defined in section 70.02 of the penal law or
26 a felony defined in article one hundred twenty-five of such law or any
27 of the following provisions of such law sections 130.25, 130.30, 130.40,
28 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10,

1 135.25, 230.04, 230.05, 230.06, 230.08, 230.11, 230.12, 230.13, subdivi-
2 sion two of section 230.30 or 230.32, the prosecutor shall, within sixty
3 days of the imposition of sentence, provide the victim with a form on
4 which the victim may indicate a demand to be informed of any petition to
5 change the name of such defendant. Such forms shall be maintained by
6 such prosecutor. Upon receipt of a notice of a petition to change the
7 name of any such defendant, pursuant to subdivision two of section
8 sixty-two of the civil rights law, the prosecutor shall promptly notify
9 the victim at the most current address or telephone number provided by
10 such victim in the most reasonable and expedient possible manner of the
11 time and place such petition will be presented to the court.

12 § 26. The opening paragraph of paragraph (i) of subdivision 1 of
13 section 440.10 of the criminal procedure law, as added by chapter 332 of
14 the laws of 2010, is amended to read as follows:

15 The judgment is a conviction where the arresting charge was under
16 section 240.37 (loitering for the purpose of engaging in a prostitution
17 offense, provided that the defendant was not alleged to be loitering for
18 the purpose of patronizing a [prostitute] person for prostitution or
19 promoting prostitution) or 230.00 (prostitution) of the penal law, and
20 the defendant's participation in the offense was a result of having been
21 a victim of sex trafficking under section 230.34 of the penal law or
22 trafficking in persons under the Trafficking Victims Protection Act
23 (United States Code, title 22, chapter 78); provided that

24 § 27. Paragraph (h) of subdivision 8 of section 700.05 of the criminal
25 procedure law, as amended by chapter 154 of the laws of 1990, is amended
26 to read as follows:

27 (h) Promoting prostitution in the first degree, as defined in section
28 230.32 of the penal law, promoting prostitution in the second degree, as

1 defined by subdivision one of section 230.30 of the penal law, promoting
2 prostitution in the third degree, as defined in section 230.25 of the
3 penal law;

4 § 28. Subdivision (a) of section 483-cc of the social services law, as
5 added by chapter 74 of the laws of 2007, is amended to read as follows:

6 (a) As soon as practicable after a first encounter with a person who
7 reasonably appears to a law enforcement agency [or a] district attor-
8 ney's office, or an established provider of social or legal services
9 designated by the office of temporary and and disability assistance or
10 the office for the prevention of domestic violence or the office of
11 victim services to be a human trafficking victim, that agency [or]
12 office or provider shall notify the office of temporary and disability
13 assistance and the division of criminal justice services that such
14 person may be eligible for services under this article.

15 § 29. Subdivision (p) of section 10.03 of the mental hygiene law, as
16 added by chapter 7 of the laws of 2007, is amended to read as follows:

17 (p) "Sex offense" means an act or acts constituting: (1) any felony
18 defined in article one hundred thirty of the penal law, including a
19 sexually motivated felony; (2) patronizing a [prostitute] person for
20 prostitution in the first degree as defined in section 230.06 of the
21 penal law, aggravated patronizing a minor for prostitution in the first
22 degree as defined in section 230.13 of the penal law, aggravated patron-
23 izing a minor for prostitution in the second degree as defined in
24 section 230.12 of the penal law, aggravated patronizing a minor for
25 prostitution in the third degree as defined in section 230.11 of the
26 penal law, incest in the second degree as defined in section 255.26 of
27 the penal law, or incest in the first degree as defined in section
28 255.27 of the penal law; (3) a felony attempt or conspiracy to commit

1 any of the foregoing offenses set forth in this subdivision; or (4) a
2 designated felony, as defined in subdivision (f) of this section, if
3 sexually motivated and committed prior to the effective date of this
4 article.

5 § 30. Subparagraph (i) of paragraph (a) of subdivision 2 of section
6 168-a of the correction law, as amended by chapter 405 of the laws of
7 2008, is amended to read as follows:

8 (i) a conviction of or a conviction for an attempt to commit any of
9 the provisions of sections 120.70, 130.20, 130.25, 130.30, 130.40,
10 130.45, 130.60, 230.34, 250.50, 255.25, 255.26 and 255.27 or article two
11 hundred sixty-three of the penal law, or section 135.05, 135.10, 135.20
12 or 135.25 of such law relating to kidnapping offenses, provided the
13 victim of such kidnapping or related offense is less than seventeen
14 years old and the offender is not the parent of the victim, or section
15 230.04, where the person patronized is in fact less than seventeen years
16 of age, 230.05 [or], 230.06, 230.08, [or] 230.11, 230.12, 230.13, subdi-
17 vision two of section 230.30, [or] section 230.32 [or], 230.33, or
18 230.34 of the penal law, or section 230.25 of the penal law where the
19 person prostituted is in fact less than seventeen years old, or

20 § 31. Paragraph (b) of subdivision 1 of section 168-d of the
21 correction law, as amended by chapter 74 of the laws of 2007, is amended
22 to read as follows:

23 (b) Where a defendant stands convicted of an offense defined in para-
24 graph (b) of subdivision two of section one hundred sixty-eight-a of
25 this article or where the defendant was convicted of patronizing a
26 [prostitute] person for prostitution in the third degree under section
27 230.04 of the penal law and the defendant controverts an allegation that
28 the victim of such offense was less than eighteen years of age or, in

1 the case of a conviction under section 230.04 of the penal law, less
2 than seventeen years of age, the court, without a jury, shall, prior to
3 sentencing, conduct a hearing, and the people may prove by clear and
4 convincing evidence that the victim was less than eighteen years [of
5 age] old or less than seventeen years [of age] old, as applicable, by
6 any evidence admissible under the rules applicable to a trial of the
7 issue of guilt. The court in addition to such admissible evidence may
8 also consider reliable hearsay evidence submitted by either party
9 provided that it is relevant to the determination of the age of the
10 victim. Facts concerning the age of the victim proven at trial or ascer-
11 tained at the time of entry of a plea of guilty shall be deemed estab-
12 lished by clear and convincing evidence and shall not be relitigated. At
13 the conclusion of the hearing, or if the defendant does not controvert
14 an allegation that the victim of the offense was less than eighteen
15 years [of age] old or less than seventeen years [of age] old, as appli-
16 cable, the court must make a finding and enter an order setting forth
17 the age of the victim. If the court finds that the victim of such
18 offense was under eighteen years [of age] old or under seventeen years
19 [of age] old, as applicable, the court shall certify the defendant as a
20 sex offender, the provisions of paragraph (a) of this subdivision shall
21 apply and the defendant shall register with the division in accordance
22 with the provisions of this article.

23 § 32. Paragraph (c) of subdivision 4 of section 509-cc of the vehicle
24 and traffic law, as amended by chapter 400 of the laws of 2011, is
25 amended to read as follows:

26 (c) The offenses referred to in subparagraph (i) of paragraph (b) of
27 subdivision one and subparagraph (i) of paragraph (c) of subdivision two
28 of this section that result in disqualification for a period of five

1 years shall include a conviction under sections 100.10, 105.13, 115.05,
2 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.25, 121.12, 121.13,
3 125.40, 125.45, 130.20, 130.25, 130.52, 130.55, 135.10, 135.55, 140.17,
4 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.06, 220.09,
5 220.16, 220.31, 220.34, 220.60, 220.65, 221.30, 221.50, 221.55, 230.00,
6 230.04, 230.05, 230.06, 230.08, 230.11, 230.12, 230.13, 230.19, 230.20,
7 235.05, 235.06, 235.07, 235.21, 240.06, 245.00, 260.10, subdivision two
8 of section 260.20 and sections 260.25, 265.02, 265.03, 265.08, 265.09,
9 265.10, 265.12, 265.35 of the penal law or an attempt to commit any of
10 the aforesaid offenses under section 110.00 of the penal law, or any
11 similar offenses committed under a former section of the penal law, or
12 any offenses committed under a former section of the penal law which
13 would constitute violations of the aforesaid sections of the penal law,
14 or any offenses committed outside this state which would constitute
15 violations of the aforesaid sections of the penal law.

16 § 33. Section 2324-a of the public health law, as amended by chapter
17 260 of the laws of 1978, is amended to read as follows:

18 § 2324-a. Presumptive evidence. For the purposes of this title, two
19 or more convictions of any person or persons had, within a period of one
20 year, for any of the offenses described in section 230.00, 230.04,
21 230.05, 230.06, 230.08, 230.11, 230.12, 230.13, 230.20, 230.25 [or],
22 230.30 or 230.32 of the penal law arising out of conduct engaged in at
23 the same real property consisting of a dwelling as that term is defined
24 in subdivision four of section four of the multiple dwelling law shall
25 be presumptive evidence of conduct constituting use of the premises for
26 purposes of prostitution.

1 § 34. Subdivision 2 of section 715 of the real property actions and
2 proceedings law, as added by chapter 494 of the laws of 1976, is amended
3 to read as follows:

4 2. For purposes of this section, two or more convictions of any person
5 or persons had, within a period of one year, for any of the offenses
6 described in section 230.00, 230.04, 230.05, 230.06, 230.08, 230.11,
7 230.12, 230.13, 230.20, 230.25, 230.30, 230.32 or 230.40 of the penal
8 law arising out of conduct engaged in at the same real property consist-
9 ing of a dwelling as that term is defined in subdivision four of section
10 four of the multiple dwelling law shall be presumptive evidence of
11 conduct constituting use of the premises for purposes of prostitution.

12 § 35. Subdivision 3 of section 231 of the real property law, as
13 amended by chapter 203 of the laws of 1980, is amended to read as
14 follows:

15 3. For the purposes of this section, two or more convictions of any
16 person or persons had, within a period of one year, for any of the
17 offenses described in section 230.00, 230.04, 230.05, 230.06, 230.08,
18 230.11, 230.12, 230.13, 230.20, 230.25, 230.30, 230.32 or 230.40 of the
19 penal law arising out of conduct engaged in at the same premises
20 consisting of a dwelling as that term is defined in subdivision four of
21 section four of the multiple dwelling law shall be presumptive evidence
22 of unlawful use of such premises and of the owners knowledge of the
23 same.

24 § 36. This act shall take effect on the ninetieth day after it shall
25 have become a law.

1 Section 1. Subdivision 21-e of section 292 of the executive law, as
2 added by chapter 269 of the laws of 1997, is amended and a new subdivi-
3 sion 21-f is added to read as follows:

4 21-e. The term "reasonable accommodation" means actions taken which
5 permit an employee, prospective employee or member with a disability, or
6 a pregnancy-related condition, to perform in a reasonable manner the
7 activities involved in the job or occupation sought or held and include,
8 but are not limited to, provision of an accessible worksite, acquisition
9 or modification of equipment, support services for persons with impaired
10 hearing or vision, job restructuring and modified work schedules;
11 provided, however, that such actions do not impose an undue hardship on
12 the business, program or enterprise of the entity from which action is
13 requested.

14 21-f. The term "pregnancy-related condition" means a medical condition
15 related to pregnancy or childbirth that inhibits the exercise of a
16 normal bodily function or demonstrable by medically accepted clinical or
17 laboratory diagnostic techniques; provided, however, that in all
18 provisions of this article dealing with employment, the term shall be
19 limited to conditions which, upon the provision of reasonable accommo-
20 dations, do not prevent the complainant from performing in a reasonable
21 manner the activities involved in the job or occupation sought or held;
22 and provided further, however, that pregnancy-related conditions shall
23 be treated as temporary disabilities for the purposes of this article.

24 § 2. Paragraph (a) of subdivision 3 of section 296 of the executive
25 law, as added by chapter 269 of the laws of 1997, is amended and a new
26 paragraph (c) is added to read as follows:

27 (a) It shall be an unlawful discriminatory practice for an employer,
28 licensing agency, employment agency or labor organization to refuse to

1 provide reasonable accommodations to the known disabilities, or pregnan-
2 cy-related conditions, of an employee, prospective employee or member in
3 connection with a job or occupation sought or held or participation in a
4 training program.

5 (c) Nothing in this subdivision regarding reasonable accommodation
6 pertains to protected classes other than individuals with disabilities
7 or pregnancy-related conditions.

8 § 3. This act shall take effect on the ninetieth day after it shall
9 have become a law.

10 PART J

11 Section 1. The public health law is amended by adding a new section
12 4166 to read as follows:

13 § 4166. Access to reproductive services. The state shall not deny a
14 woman's right to obtain an abortion as established by the United States
15 Supreme Court in the 1973 decision Roe v. Wade. Notwithstanding any law
16 to the contrary, New York protects a woman's right to obtain an abortion
17 when the fetus is not viable, or when necessary to protect a woman's
18 life or health as determined by a licensed physician.

19 Nothing in this section shall be construed to conflict with any appli-
20 cable state or federal law or regulation permitting a health care
21 provider to refrain from providing abortions due to the provider's reli-
22 gious or moral beliefs.

23 No prosecution or proceeding shall be brought or maintained under the
24 penal law or otherwise for acts that are authorized or permitted pursu-
25 ant to this section or by this chapter and the education law.

1 Subdivisions two and three of section 125.05, subdivision two of
2 section 125.15, subdivision three of section 125.20 and sections 125.40,
3 125.45, 125.50, 125.55 and 125.60 of the penal law are hereby repealed
4 to the extent that they are inconsistent with this section.

5 § 2. This act shall take effect on the thirtieth day after it shall
6 have become a law.

7 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
8 sion, section or part of this act shall be adjudged by a court of compe-
9 tent jurisdiction to be invalid, such judgment shall not affect, impair
10 or invalidate the remainder thereof, but shall be confined in its opera-
11 tion to the clause, sentence, paragraph, subdivision, section or part
12 thereof directly involved in the controversy in which such judgment
13 shall have been rendered. It is hereby declared to be the intent of the
14 legislature that this act would have been enacted even if such invalid
15 provisions had not been included herein.

16 § 4. This act shall take effect immediately provided, however, that
17 the applicable effective date of Parts A through J of this act shall be
18 as specifically set forth in the last section of such Parts.