

PROGRAM BILL # 19

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)

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
amend the executive law in relation

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 Gullivan	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-	s43 Marchione	s56 Robach	s57 Young
s31 Espailat	Thompson	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 Sepuveda
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 Skoufous
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	a012 Raia	a101 Tenney
a046 Brook-Krasny	a148 Giglio	a121 Magee	a006 Ramos	a001 Thiele
a093 Buchwald	a080 Gjonaj	a129 Magnarelli	a134 Reilich	a061 Titone
a118 Butler	a066 Glick	a059 Maisel	a078 Rivera	a031 Titus
a103 Cahill	a023 Goldfeder	a064 Malliotakis	a128 Roberts	a146 Walter
a043 Camara	a150 Goodell	a030 Markey	a056 Robinson	a041 Weinstein
a145 Ceretto	a075 Gottfried	a090 Mayer	a068 Rodriguez	a020 Weisenberg
a033 Clark	a005 Graf	a108 McDonald	a072 Rosa	a024 Weprin
a047 Colton	a100 Gunther	a014 McDonough	a067 Rosenthal	a070 Wright
a032 Cook	a139 Hawley	a017 McKeivitt	a025 Rozic	a096 Zebrowski
a144 Corwin	a083 Heastie	a107 McLaughlin	a116 Russell	a002
a085 Crespo	a003 Hennessey	a038 Miller	a149 Ryan	a053
a122 Crouch	a028 Hevesi	a052 Millman	a009 Saladino	a086
a021 Curran	a048 Hikind	a015 Montesano	a111 Santabarbara	
a063 Cusick	a018 Hooper	a136 Morelle	a029 Scarborough	
a045 Cymbrowitz	a042 Jacobs	a057 Mosley	a016 Schimel	
a034 DenDekker	a097 Jaffee	a039 Moya		

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).

to the unlawful discriminatory practice because of familial status (Part D); to amend the real property law and the real property actions and proceedings law, in relation to prohibiting discrimination in housing based upon domestic violence status and establishing a task force to study the impact of source of income on access to housing (Part E); 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 and to amend the executive law, in relation to review and reports by the chief administrator of the courts (Part G); to amend the penal law, the criminal procedure law, the social services law, the civil practice law and rules, 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; to amend chapter 74 of the laws of 2007 amending the penal law, the criminal procedure law, the correction law, the social services law, and the executive law relating to human trafficking, in relation to extending the interagency task force on human trafficking for four years; and to amend the executive law, in relation to human trafficking awareness (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 three new subdivisions
17 2, 3 and 4 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 under this paragraph shall not apply when the employee demonstrates (A)
9 that an employer uses a particular employment practice that causes a
10 disparate impact on the basis of sex, (B) that an alternative employment
11 practice exists that would serve the same business purpose and not
12 produce such differential, and (C) that the employer has refused to
13 adopt such alternative practice.

14 2. For the purpose of subdivision one of this section, "business
15 necessity" shall be defined as a factor that bears a manifest relation-
16 ship to the employment in question.

17 3. For the purposes of subdivision one of this section, employees
18 shall be deemed to work in the same establishment if the employees work
19 for the same employer at workplaces located in the same geographical
20 region, no larger than a county, taking into account population distrib-
21 ution, economic activity, and/or the presence of municipalities.

22 4. (a) No employer shall prohibit an employee from inquiring about,
23 discussing, or disclosing the wages of such employee or another employ-
24 ee.

25 (b) An employer may, in a written policy provided to all employees,
26 establish reasonable workplace and workday limitations on the time,
27 place and manner for inquires about, discussion of, or the disclosure of
28 wages. Such limitations shall be consistent with standards promulgated

1 by the commissioner and shall be consistent with all other state and
2 federal laws. Such limitations may include prohibiting an employee from
3 discussing or disclosing the wages of another employee without such
4 employee's prior permission.

5 (c) Nothing in this subdivision shall require an employee to disclose
6 his or her wages. The failure of an employee to adhere to such reason-
7 able limitations in such written policy shall be an affirmative defense
8 to any claims made against an employer under this subdivision, provided
9 that any adverse employment action taken by the employer was for failure
10 to adhere to such reasonable limitations and not for mere inquiry,
11 discussion or disclosure of wages in accordance with such reasonable
12 limitations in such written policy.

13 (d) This prohibition shall not apply to instances in which an employee
14 who has access to the wage information of other employees as a part of
15 such employee's essential job functions discloses the wages of such
16 other employees to individuals who do not otherwise have access to such
17 information, unless such disclosure is in response to a complaint or
18 charge, or in furtherance of an investigation, proceeding, hearing, or
19 action under this chapter, including an investigation conducted by the
20 employer.

21 (e) Nothing in this section shall be construed to limit the rights of
22 an employee provided under any other provision of law or collective
23 bargaining agreement.

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

26 1-a. On behalf of any employee paid less than the wage to which he or
27 she is entitled under the provisions of this article, the commissioner
28 may bring any legal action necessary, including administrative action,

1 to collect such claim and as part of such legal action, in addition to
2 any other remedies and penalties otherwise available under this article,
3 the commissioner shall assess against the employer the full amount of
4 any such underpayment, and an additional amount as liquidated damages,
5 unless the employer proves a good faith basis for believing that its
6 underpayment of wages was in compliance with the law. Liquidated damages
7 shall be calculated by the commissioner as no more than one hundred
8 percent of the total amount of wages found to be due, except such liqui-
9 dated damages may be up to three hundred percent of the total amount of
10 the wages found to be due for a willful violation of section one hundred
11 ninety-four of this article. In any action instituted in the courts upon
12 a wage claim by an employee or the commissioner in which the employee
13 prevails, the court shall allow such employee to recover the full amount
14 of any underpayment, all reasonable attorney's fees, prejudgment inter-
15 est as required under the civil practice law and rules, and, unless the
16 employer proves a good faith basis to believe that its underpayment of
17 wages was in compliance with the law, an additional amount as liquidated
18 damages equal to one hundred percent of the total amount of the wages
19 found to be due, except such liquidated damages may be up to three
20 hundred percent of the total amount of the wages found to be due for a
21 willful violation of section one hundred ninety-four of this article.

22 § 3. The department of labor and the division of human rights shall
23 make training available to assist employers in developing training,
24 policies and procedures to address discrimination and harassment in the
25 workplace including, but not limited to issues relating to pregnancy,
26 familial status, pay equity and sexual harassment. Such training shall
27 take into account the needs of employers of various sizes. The depart-
28 ment and division shall make such training available through, including

1 but not limited to, online means. In developing such training materi-
2 als, the department and division shall afford the public an opportunity
3 to submit comments on such training.

4 § 4. This act shall take effect on the ninetieth day after it shall
5 have become a law; provided, however, that the commissioner of labor
6 shall take actions necessary to provide for the promulgation of stand-
7 ards pursuant to subdivision 4 of section 194 of the labor law, as added
8 by section one of this act, prior to this act taking effect; and
9 provided further, however, that the department of labor and division of
10 human rights shall take actions necessary to establish training pursuant
11 to section three of this act prior to this act taking effect.

12

PART B

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

16 5. The term "employer" does not include any employer with fewer than
17 four persons in his or her employ except as set forth in section two
18 hundred ninety-six-b of this [title] article, provided, however, that in
19 the case of an action for discrimination based on sex pursuant to subdi-
20 vision one of section two hundred ninety-six of this article, with
21 respect to sexual harassment only, the term "employer" shall include all
22 employers within the state.

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

25

PART C

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

4 10. With respect to all cases of housing discrimination and housing
5 related credit discrimination [only] in an action or proceeding at law
6 under this section or section two hundred ninety-eight of this article,
7 the commissioner or the court may in its discretion award reasonable
8 attorney's fees to any prevailing or substantially prevailing party; and
9 with respect to a claim of employment or credit discrimination where sex
10 is a basis of such discrimination, in an action or proceeding at law
11 under this section or section two hundred ninety-eight of this article,
12 the commissioner or the court may in its discretion award reasonable
13 attorney's fees attributable to such claim to any prevailing party;
14 provided, however, that a prevailing respondent or defendant in order to
15 recover such reasonable attorney's fees must make a motion requesting
16 such fees and show that the action or proceeding brought was frivolous;
17 and further provided that in a proceeding brought in the division of
18 human rights, the commissioner may only award attorney's fees as part of
19 a final order after a public hearing held pursuant to subdivision four
20 of this section. In no case shall attorney's fees be awarded to the
21 division, nor shall the division be liable to a prevailing or substan-
22 tially prevailing party for attorney's fees, except in a case in which
23 the division is a party to the action or the proceeding in the divi-
24 sion's capacity as an employer. In cases of employment discrimination,
25 a respondent shall only be liable for attorney's fees under this subdi-
26 vision if the respondent has been found liable for having committed an
27 unlawful discriminatory practice. 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) for a claim of sex discrimination only, award reasonable attor-
24 ney's fees attributable to such claim to any 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 party for attorney's fees. In order
2 to find the action or proceeding to be frivolous, the superintendent
3 must find in writing one or more of the following:

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

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

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

16 [(4)] (5) require the regulated creditor to take such further affirma-
17 tive action as will effectuate the purposes of this section, including,
18 but not limited to, granting the credit which was the subject of the
19 complaint.

20 § 3. This act shall take effect on the ninetieth day after it shall
21 have become a law, and shall apply to actions commenced on or after such
22 date.

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

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. The real property law is amended by adding a new section
5 227-d to read as follows:

6 § 227-d. Discrimination based on domestic violence status; prohibited.

7 1. Definitions. For the purposes of this section, a person is a "domes-
8 tic violence victim" and possesses "domestic violence victim status" if
9 such person is or has been, or is a parent accompanied by a minor child
10 or children who is or has been, in a situation in which such person or
11 child is a victim of an act that would constitute a violent felony
12 offense as enumerated in section 70.02 of the penal law, or a family
13 offense as enumerated in subdivision one of section eight hundred twelve
14 of the family court act, and such act is alleged to have been committed
15 by a member of the same family or household, as defined in subdivision
16 one of section eight hundred twelve of the family court act.

17 2. Discrimination based on domestic violence victim status prohibited.

18 (a) No person, firm or corporation owning or managing any building used
19 for dwelling purposes, or the agent of such person, firm or corporation,
20 shall, because of such person's or family member's domestic violence
21 victim status, (1) refuse to rent a residential unit to any person or
22 family, when, but for such status, rental would not have been refused,
23 (2) discriminate in the terms, conditions, or privileges of any such
24 rental, when, but for such status, such discrimination would not have
25 occurred, or (3) print or circulate, or cause to be printed or circu-
26 lated, any statement, advertisement or publication which expresses,

1 directly or indirectly, any limitation, specification, or discrimi-
2 nation. A violation of this subdivision shall be a misdemeanor and, on
3 conviction thereof, shall be punished by a fine of not less than one
4 thousand dollars and not more than two thousand dollars for each
5 offense; provided, however, that it shall be a defense that such person,
6 firm, corporation or agent refused to rent a residential unit on any
7 other lawful ground.

8 (b) Civil liability: (1) Where discriminatory conduct prohibited by
9 this subdivision has occurred, such person or family shall have a cause
10 of action in any court of appropriate jurisdiction for compensatory and
11 punitive damages, with such punitive damages not exceeding two thousand
12 dollars for each offense, and declaratory and injunctive relief; and (2)
13 in all actions brought under this section, reasonable attorneys' fees as
14 determined by the court may be awarded to a prevailing party, provided,
15 however, that a prevailing defendant in order to recover such reasonable
16 attorneys' fees must make a motion requesting such fees and show that
17 the action or proceeding brought was frivolous. In order to find the
18 action or proceeding to be frivolous, the court must find one or more of
19 the following: (i) the action was commenced, used or continued in bad
20 faith, solely to delay or prolong the resolution of the litigation or to
21 harass or maliciously injure another; or (ii) the action was commenced
22 or continued in bad faith without any reasonable basis and could not be
23 supported by a good faith argument for an extension, modification or
24 reversal of existing law. If the action or proceeding was promptly
25 discontinued when the party or attorney learned or should have learned
26 that the action or proceeding lacked such a reasonable basis, the court
27 may find that the party or the attorney did not act in bad faith.

1 (c) Nothing in this section shall be construed as limiting the ability
2 of a person, firm or corporation owning or managing a building used for
3 dwelling purposes, or the agent of such person, firm or corporation,
4 from applying reasonable standards not based on or derived from domestic
5 violence victim status in determining the eligibility of a person or
6 family seeking to rent a residential unit.

7 (d) This section shall not apply to buildings used for dwelling
8 purposes that are owner occupied and have two or fewer residential
9 units.

10 3. A person, firm, or corporation owning or managing a building used
11 for dwelling purposes or agent of such person, firm or corporation shall
12 not be civilly liable to other tenants, guests, invitees, or licensees
13 arising from reasonable and good faith efforts to comply with this
14 section.

15 4. Nothing in this section shall be construed as prohibiting a person,
16 firm or corporation owning or managing a building used for dwelling
17 purposes, or the agent of such person, firm or corporation, from:

18 (a) providing or preserving a rental preference in any public or
19 private housing for victims of domestic violence;

20 (b) providing any other assistance to victims of domestic violence in
21 obtaining or retaining any public or private housing; or

22 (c) responding to an inquiry or request by an applicant, tenant, or
23 leaseholder who is a victim of domestic violence.

24 5. Nothing in this section shall be construed as prohibiting a munici-
25 pality from retaining or promulgating local laws or ordinances imposing
26 additional or enhanced protections prohibiting discrimination against
27 victims of domestic violence.

1 6. Nothing in this section shall be construed as limiting, diminish-
2 ing, or otherwise affecting any rights under existing law.

3 § 2. The real property actions and proceedings law is amended by
4 adding a new section 744 to read as follows:

5 § 744. Eviction based on domestic violence victim status prohibited.

6 1. A tenant shall not be removed from possession of a residential unit
7 pursuant to this article because of such person's domestic violence
8 victim status, as defined in section two hundred twenty-seven-d of the
9 real property law. It shall be a defense to a proceeding to recover
10 possession of a residential unit that a landlord seeks such recovery
11 because of a person's domestic violence victim status, and that, but for
12 such status, the landlord would not seek to recover possession. A land-
13 lord may rebut such defense by showing that he or she seeks to recover
14 possession of a residential unit because of any other lawful ground.

15 2. Nothing in this section shall restrict a landlord's legal rights to
16 recover possession of a residential unit on grounds not based on or
17 derived from domestic violence victim status.

18 3. A landlord shall not be civilly liable to other tenants, guests,
19 invitees, or licensees arising from reasonable and good faith efforts to
20 comply with this section.

21 4. This section shall not apply to buildings used for dwelling
22 purposes that are owner occupied and have two or fewer residential
23 units.

24 § 3. There is hereby established a task force to study the impact of
25 source of income on access to housing including, but not limited to, any
26 sex-based impact. The task force shall consist of the following members
27 as appointed by the governor: (1) two members of the governor's cabinet;
28 (2) two experts on housing policy representing the needs of both land-

1 lords and tenants; (3) two members who are local government officials,
2 who shall each represent different geographical regions within the
3 state; (4) two members on the recommendation of the temporary president
4 of the senate; and (5) two members on the recommendation of the speaker
5 of the assembly. The governor shall designate a chair of the task force
6 from amongst such appointees. The task force shall meet as often as is
7 appropriate under circumstances necessary to fulfill its duties under
8 this section. The task force shall (a) review the Section 8 Housing
9 Choice Voucher Administrative Plan and, if necessary, recommend modifi-
10 cations to increase the participation of landlords and property owners,
11 which may include, but shall not be limited to: expanding the portabil-
12 ity of Section 8 vouchers, including as may be appropriate for domestic
13 violence victims; creating a state-sponsored special-purpose mobility
14 counseling program; enhancing means of connecting voucher holders to
15 approved landlords; and eliminating delays in housing quality standard
16 inspections; and (b) review other current policies and laws and, if
17 necessary, recommend modifications to improve access to quality and
18 affordable housing. The task force shall submit its report and recommen-
19 dations to the governor, the temporary president of the senate, and the
20 speaker of the assembly on January 15, 2015.

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

23

PART F

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

1 b. 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 forty of the domestic relations law". The order of protection shall also
5 contain the following notice: "This order of protection will remain in
6 effect even if the protected party has, or consents to have, contact or
7 communication with the party against whom the order is issued. This
8 order of protection can only be modified or terminated by the court. The
9 protected party cannot be held to violate this order nor be arrested for
10 violating this order.". The absence of such language shall not affect
11 the validity of such order. The presentation of a copy of such an order
12 to any peace officer acting pursuant to his or her special duties, or
13 police officer, shall constitute authority, for that officer to arrest a
14 person when that person has violated the terms of such an order, and
15 bring such person before the court and, otherwise, so far as lies within
16 the officer's power, to aid in securing the protection such order was
17 intended to afford.

18 i. The protected party in whose favor the order of protection or
19 temporary order of protection is issued may not be held to violate such
20 an order nor may such protected party be arrested for violating such
21 order.

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

25 2. An order of protection entered pursuant to this subdivision shall
26 bear in a conspicuous manner, on the front page of said order, the
27 language "Order of protection issued pursuant to section two hundred
28 fifty-two of the domestic relations law". The order of protection shall

1 also contain the following notice: "This order of protection will remain
2 in effect even if the protected party has, or consents to have, contact
3 or communication with the party against whom the order is issued. This
4 order of protection can only be modified or terminated by the court. The
5 protected party cannot be held to violate this order nor be arrested for
6 violating this order." The absence of such language shall not affect
7 the validity of such order. The presentation of a copy of such an order
8 to any peace officer acting pursuant to his or her special duties, or
9 police officer, shall constitute authority, for that officer to arrest a
10 person when that person has violated the terms of such an order, and
11 bring such person before the court and, otherwise, so far as lies within
12 the officer's power, to aid in securing the protection such order was
13 intended to afford.

14 9-a. The protected party in whose favor the order of protection or
15 temporary order of protection is issued may not be held to violate an
16 order issued in his or her favor nor may such protected party be
17 arrested for violating such order.

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

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

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

26 3. Any order of protection or temporary order of protection issued by
27 the family court shall bear, in a conspicuous manner, the language, as
28 the case may be, "this order constitutes an order of protection" or

1 "this order constitutes a temporary order of protection", on the front
2 page of said order. The order of protection or temporary order of
3 protection shall also contain the following notice: "This order of
4 protection will remain in effect even if the protected party has, or
5 consents to have, contact or communication with the party against whom
6 the order is issued. This order of protection can only be modified or
7 terminated by the court. The protected party cannot be held to violate
8 this order nor be arrested for violating this order.". The absence of
9 such language shall not affect the validity of such order.

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

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

16 § 6. Section 551 of the family court act is amended by adding a new
17 closing paragraph to read as follows:

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

22 § 7. Section 656 of the family court act is amended by adding a new
23 closing paragraph to read as follows:

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

1 § 8. Section 759 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 § 9. Section 842 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 § 10. Section 846 of the family court act is amended by adding a new
14 subdivision (a-1) to read as follows:

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

19 § 11. Section 1056 of the family court act is amended by adding a new
20 subdivision 7 to read as follows:

21 7. 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 § 12. Subdivision 4 of section 140.10 of the criminal procedure law is
26 amended by adding a new second undesignated paragraph to read as
27 follows:

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

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

10 6. An order of protection or a temporary order of protection issued
11 pursuant to subdivision one, two, three, four or five of this section
12 shall bear in a conspicuous manner the term "order of protection" or
13 "temporary order of protection" as the case may be and a copy shall be
14 filed by the clerk of the court with the sheriff's office in the county
15 in which the complainant resides, or, if the complainant resides within
16 a city, with the police department of such city. The order of
17 protection or temporary order of protection shall also contain the
18 following notice: "This order of protection will remain in effect even
19 if the protected party has, or consents to have, contact or communi-
20 cation with the party against whom the order is issued. This order of
21 protection can only be modified or terminated by the court. The
22 protected party cannot be held to violate this order nor be arrested for
23 violating this order." The absence of such language shall not affect
24 the validity of such order. A copy of such order of protection or
25 temporary order of protection may from time to time be filed by the
26 clerk of the court with any other police department or sheriff's office
27 having jurisdiction of the residence, work place, and school of anyone
28 intended to be protected by such order. A copy of the order may also be

1 filed by the complainant at the appropriate police department or sher-
2 iff's office having jurisdiction. Any subsequent amendment or revocation
3 of such order shall be filed in the same manner as herein provided.

4 Such order of protection shall plainly state the date that such order
5 expires.

6 8. In any proceeding in which an order of protection or temporary
7 order of protection or a warrant has been issued under this section, the
8 clerk of the court shall issue to the complainant and defendant and
9 defense counsel and to any other person affected by the order a copy of
10 the order of protection or temporary order of protection and ensure that
11 a copy of the order of protection or temporary order of protection be
12 transmitted to the local correctional facility where the individual is
13 or will be detained, the state or local correctional facility where the
14 individual is or will be imprisoned, and the supervising probation
15 department or department of corrections and community supervision where
16 the individual is under probation or parole supervision. The presenta-
17 tion of a copy of such order or a warrant to any peace officer acting
18 pursuant to his or her special duties or police officer shall constitute
19 authority for him or her to arrest a person who has violated the terms
20 of such order and bring such person before the court and, otherwise, so
21 far as lies within his or her power, to aid in securing the protection
22 such order was intended to afford. The protected party in whose favor
23 the order of protection or temporary order of protection is issued may
24 not be held to violate an order issued in his or her favor nor may such
25 protected party be arrested for violating such order.

26 § 14. This act shall take effect immediately and shall apply to all
27 orders of protection regardless of when such orders were issued, except
28 that:

1 (a) the amendments to paragraph b of subdivision 3 of section 240 of
2 the domestic relations law made by section one of this act, the amend-
3 ments to subdivision 2 of section 252 of the domestic relations law made
4 by section two of this act, the amendments to subdivision 3 of section
5 168 of the family court act made by section four of this act, and the
6 amendments to subdivision 6 of section 530.12 of the criminal procedure
7 law made by section thirteen of this act shall take effect on the nine-
8 tieth day after this act shall have become a law, and shall apply to
9 orders of protection issued on or after such effective date; and

10 (b) the amendments to subdivision 4 of section 140.10 of the criminal
11 procedure law, made by section twelve of this act, shall not affect the
12 repeal of such subdivision, and shall be deemed repealed therewith.

13

PART G

14 Section 1. Section 153-c of the family court act, as added by chapter
15 416 of the laws of 1981, is amended to read as follows:

16 § 153-c. Temporary order of protection. (a) Any person appearing at
17 family court when the court is open requesting a temporary order of
18 protection under any article of this act shall be entitled to file a
19 petition without delay on the same day such person first appears at the
20 family court, and a hearing on that request shall be held on the same
21 day or the next day that the family court is open following the filing
22 of such petition.

23 (b) As provided in this section, the chief administrator of the
24 courts, with the approval of the administrative board of the courts, may
25 promulgate rules to establish and implement a pilot program for the
26 filing of petitions for temporary orders of protection by electronic

1 means and for the issuance of such orders ex parte by audio-visual means
2 in order to accommodate litigants for whom attendance at court to file
3 for, and obtain, emergency relief would constitute an undue hardship or
4 to accommodate litigants, for whom traveling to and appearing in the
5 courthouse to obtain emergency relief, creates a risk of harm to such
6 litigant.

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

8 (i) "Electronic means" means any method of transmission of information
9 between computers or other machines designed for the purpose of sending
10 and receiving such transmissions, and which allows the recipient to
11 reproduce the information transmitted in a tangible medium of
12 expression.

13 (ii) "Independent audio-visual system" means an electronic system for
14 the transmission and receiving of audio and visual signals, encompassing
15 encoded signals, frequency domain multiplexing or other suitable means
16 to preclude the unauthorized reception and decoding of the signals by
17 commercially available television receivers, channel converters, or
18 other available receiving devices.

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

24 (2) Development of a pilot program. A plan for a pilot program pursu-
25 ant to this section shall be developed by the chief administrator of the
26 courts or his or her delegate in consultation with one or more local
27 programs providing assistance to victims of domestic violence, the
28 office for the prevention of domestic violence, and attorneys who repre-

1 sent family offense petitions. The plan shall include, but is not
2 limited to:

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

9 (ii) identification of one or more licensed and certified organiza-
10 tions, agencies or entities with advocates for victims of domestic
11 violence who are trained, and available to assist petitioners in prepar-
12 ing and filing petitions for temporary orders of protection and in their
13 electronic appearances before the family court to obtain such orders;
14 and

15 (iii) identification of the existing resources available in local
16 family courts for the implementation and oversight of the pilot program;
17 and

18 (iv) delineation of procedures for filing of the petitions and docu-
19 ments, if any, by electronic means, swearing in the petitioners and any
20 witnesses, preparation of a verbatim transcription of testimony
21 presented and a record of evidence adduced and prompt transmission of
22 any orders issued to the petitioners; and

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

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

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

5 (i) A petitioner who seeks a temporary order of protection ex parte by
6 use of an electronic appearance must file a petition in advance of such
7 appearance and may do so by electronic means. The petitioner shall set
8 forth the circumstances in which traveling to or appearing in the court-
9 house would constitute an undue hardship, or create a risk of harm to
10 the petitioner. In granting or denying the relief sought by the peti-
11 tioner, the court shall state the names of all participants, and whether
12 it is granting or denying an appearance by electronic means and the
13 basis for such determination; provided, however, that nothing in this
14 section shall be construed to compel a party to file a petition or other
15 document by electronic means or to testify by means of an electronic
16 appearance.

17 (ii) Nothing in this section shall affect or change any existing laws
18 governing the service of process, including requirements for personal
19 service, or the sealing and confidentiality of court records in family
20 court proceedings, or access to court records by the parties to such
21 proceedings.

22 (4) (i) All electronic appearances by petitioners seeking temporary
23 orders of protection ex parte under this section shall be strictly
24 voluntary and the consent of such petitioners shall be given on the
25 record at the commencement of each appearance.

26 (ii) Appearances taken through the use of an electronic appearance
27 under this section shall be recorded and preserved for transcription.
28 Documentary evidence, if any, referred to by a party or witness or the

1 court may be transmitted and submitted and introduced by electronic
2 means.

3 § 2. Subdivision 2 of section 212 of the judiciary law is amended by
4 adding a new paragraph (s) to read as follows:

5 (s) Have the power to establish pilot programs for the filing of
6 petitions for temporary orders of protection by electronic means and for
7 the issuance of such orders by audio-visual means pursuant to subdivi-
8 sion (b) of section one hundred fifty-three-c of the family court act.
9 The chief administrator shall maintain an up-to-date and publicly-avail-
10 able listing of the sites, if any, at which such applications for ex
11 parte temporary orders of protection may be filed, and at which elec-
12 tronic appearances in support of such applications may be sought, in
13 accordance with such section one hundred fifty-three-c of the family
14 court act. In developing such pilot program, the chief administrator
15 shall strive for a program that is regionally diverse, and takes into
16 consideration, among other things, the availability of public transpor-
17 tation, population density and the availability of facilities for
18 conducting such program.

19 § 3. Section 648 of the executive law, as added by chapter 893 of the
20 laws of 1986, is amended to read as follows:

21 § 648. Review; report and implementation. 1. The chief administrator
22 of the unified court system shall review court practices, procedures,
23 services, regulations and laws to determine the adequacy and appropri-
24 ateness of its services with respect to crime victims, including victims
25 with special needs, particularly the elderly, disabled or victims of
26 child abuse, domestic violence, sex trafficking or sex-related offenses.
27 Such review shall include reasonable opportunity for public comment and

1 consultation with crime victims or their representatives, and may
2 include public hearings.

3 2. After the review, and not later than two hundred seventy days after
4 the effective date of this section, and no later than two hundred seven-
5 ty days after the effective date of the chapter of the laws of two thou-
6 sand thirteen which amended this section, and every five years thereaft-
7 er, the chief administrator of the unified court system shall submit a
8 report to the governor and the legislature, setting forth the findings
9 of the review, including a description of the services provided by the
10 components of the unified court system and recommendations for changes
11 in its procedures, services, regulations and laws to improve its
12 services to crime victims and to establish and implement fair treatment
13 standards for crime victims.

14 3. Subject to the direction of the chief administrator, the components
15 of the unified court system shall expeditiously implement the recommen-
16 dations of its report.

17 § 4. This act shall take effect April 1, 2014.

18

PART H

19 Section 1. Short title. This act shall be known and may be cited as
20 the "trafficking victims protection and justice act".

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

23 § 60.13 Authorized dispositions; felony sex offenses.

24 When a person is to be sentenced upon a conviction for any felony
25 defined in article one hundred thirty of this chapter, including a sexu-
26 ally motivated felony, or patronizing a [prostitute] person for prosti-

1 tution in the first degree as defined in section 230.06 of this chapter,
2 aggravated patronizing a minor for prostitution in the third degree as
3 defined in section 230.11 of this chapter, aggravated patronizing a
4 minor for prostitution in the second degree as defined in section 230.12
5 of this chapter, aggravated patronizing a minor for prostitution in the
6 first degree as defined in section 230.13 of this chapter, incest in the
7 second degree as defined in section 255.26 of this chapter, or incest in
8 the first degree as defined in section 255.27 of this chapter, or a
9 felony attempt or conspiracy to commit any of these crimes, the court
10 must sentence the defendant in accordance with the provisions of section
11 70.80 of this title.

12 § 3. Paragraphs (a) and (c) of subdivision 1 of section 70.02 of the
13 penal law, paragraph (a) as amended by chapter 320 of the laws of 2006
14 and paragraph (c) as amended by chapter 1 of the laws of 2013, are
15 amended to read as follows:

16 (a) Class B violent felony offenses: an attempt to commit the class
17 A-I felonies of murder in the second degree as defined in section
18 125.25, kidnapping in the first degree as defined in section 135.25, and
19 arson in the first degree as defined in section 150.20; manslaughter in
20 the first degree as defined in section 125.20, aggravated manslaughter
21 in the first degree as defined in section 125.22, rape in the first
22 degree as defined in section 130.35, criminal sexual act in the first
23 degree as defined in section 130.50, aggravated sexual abuse in the
24 first degree as defined in section 130.70, course of sexual conduct
25 against a child in the first degree as defined in section 130.75;
26 assault in the first degree as defined in section 120.10, kidnapping in
27 the second degree as defined in section 135.20, burglary in the first
28 degree as defined in section 140.30, arson in the second degree as

1 defined in section 150.15, robbery in the first degree as defined in
2 section 160.15, sex trafficking as defined in paragraphs (a) and (b) of
3 subdivision five of section 230.34, incest in the first degree as
4 defined in section 255.27, criminal possession of a weapon in the first
5 degree as defined in section 265.04, criminal use of a firearm in the
6 first degree as defined in section 265.09, criminal sale of a firearm in
7 the first degree as defined in section 265.13, aggravated assault upon a
8 police officer or a peace officer as defined in section 120.11, gang
9 assault in the first degree as defined in section 120.07, intimidating a
10 victim or witness in the first degree as defined in section 215.17,
11 hindering prosecution of terrorism in the first degree as defined in
12 section 490.35, criminal possession of a chemical weapon or biological
13 weapon in the second degree as defined in section 490.40, and criminal
14 use of a chemical weapon or biological weapon in the third degree as
15 defined in section 490.47.

16 (c) Class D violent felony offenses: an attempt to commit any of the
17 class C felonies set forth in paragraph (b); reckless assault of a child
18 as defined in section 120.02, assault in the second degree as defined in
19 section 120.05, menacing a police officer or peace officer as defined in
20 section 120.18, stalking in the first degree, as defined in subdivision
21 one of section 120.60, strangulation in the second degree as defined in
22 section 121.12, rape in the second degree as defined in section 130.30,
23 criminal sexual act in the second degree as defined in section 130.45,
24 sexual abuse in the first degree as defined in section 130.65, course of
25 sexual conduct against a child in the second degree as defined in
26 section 130.80, aggravated sexual abuse in the third degree as defined
27 in section 130.66, facilitating a sex offense with a controlled
28 substance as defined in section 130.90, labor trafficking as defined in

1 paragraphs (a) and (b) of subdivision three of section 135.35, criminal
2 possession of a weapon in the third degree as defined in subdivision
3 five, six, seven, eight, nine or ten of section 265.02, criminal sale of
4 a firearm in the third degree as defined in section 265.11, intimidating
5 a victim or witness in the second degree as defined in section 215.16,
6 soliciting or providing support for an act of terrorism in the second
7 degree as defined in section 490.10, and making a terroristic threat as
8 defined in section 490.20, falsely reporting an incident in the first
9 degree as defined in section 240.60, placing a false bomb or hazardous
10 substance in the first degree as defined in section 240.62, placing a
11 false bomb or hazardous substance in a sports stadium or arena, mass
12 transportation facility or enclosed shopping mall as defined in section
13 240.63, and aggravated unpermitted use of indoor pyrotechnics in the
14 first degree as defined in section 405.18.

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

18 (a) For the purposes of this section, a "felony sex offense" means a
19 conviction of any felony defined in article one hundred thirty of this
20 chapter, including a sexually motivated felony, or patronizing a [pros-
21 titute] person for prostitution in the first degree as defined in
22 section 230.06 of this chapter, patronizing a person for prostitution in
23 the second degree as defined in section 230.05 of this chapter, aggra-
24 vated patronizing a minor for prostitution in the third degree as
25 defined in section 230.11 of this chapter, aggravated patronizing a
26 minor for prostitution in the second degree as defined in section 230.12
27 of this chapter, aggravated patronizing a minor for prostitution in
28 first degree as defined in section 230.13 of this chapter, incest in the

1 second degree as defined in section 255.26 of this chapter, or incest in
2 the first degree as defined in section 255.27 of this chapter, or a
3 felony attempt or conspiracy to commit any of the above.

4 § 5. Section 135.35 of the penal law, as added by chapter 74 of the
5 laws of 2007, is amended to read as follows:

6 § 135.35 Labor trafficking.

7 A person is guilty of labor trafficking if he or she compels or
8 induces another to engage in labor or recruits, entices, harbors, or
9 transports such other person by means of intentionally:

10 1. [unlawfully providing a controlled substance to such person with
11 intent to impair said person's judgment;

12 2.] requiring that the labor be performed to retire, repay, or service
13 a real or purported debt that the actor has caused by a systematic ongo-
14 ing course of conduct with intent to defraud such person;

15 [3.] 2. withholding, destroying, or confiscating any actual or
16 purported passport, immigration document, or any other actual or
17 purported government identification document, of another person with
18 intent to impair said person's freedom of movement; provided, however,
19 that this subdivision shall not apply to an attempt to correct a social
20 security administration record or immigration agency record in accord-
21 ance with any local, state, or federal agency requirement, where such
22 attempt is not made for the purpose of any express or implied threat;

23 [4.] 3. using force or engaging in any scheme, plan or pattern to
24 compel or induce such person to engage in or continue to engage in labor
25 activity by means of instilling a fear in such person that, if the
26 demand is not complied with, the actor or another will do one or more of
27 the following:

1 (a) cause physical injury, serious physical injury, or death to a
2 person; or

3 (b) cause damage to property, other than the property of the actor; or

4 (c) engage in other conduct constituting a felony or unlawful impri-
5 sonment in the second degree in violation of section 135.05 of this
6 [chapter] article; or

7 (d) accuse some person of a crime or cause criminal charges or depor-
8 tation proceedings to be instituted against such person; provided,
9 however, that it shall be an affirmative defense to this subdivision
10 that the defendant reasonably believed the threatened charge to be true
11 and that his or her sole purpose was to compel or induce the victim to
12 take reasonable action to make good the wrong which was the subject of
13 such threatened charge; or

14 (e) expose a secret or publicize an asserted fact, whether true or
15 false, tending to subject some person to hatred, contempt or ridicule;
16 or

17 (f) testify or provide information or withhold testimony or informa-
18 tion with respect to another's legal claim or defense; or

19 (g) use or abuse his or her position as a public servant by performing
20 some act within or related to his or her official duties, or by failing
21 or refusing to perform an official duty, in such manner as to affect
22 some person adversely.

23 Labor trafficking is a class D felony.

24 § 5-a. The penal law is amended by adding a new section 135.37 to read
25 as follows:

26 § 135.37 Aggravated labor trafficking.

27 A person is guilty of aggravated labor trafficking if he or she
28 compels or induces another to engage in labor or recruits, entices,

1 harbors, or transports such other person to engage in labor by means of
2 intentionally unlawfully providing a controlled substance to such person
3 with intent to impair said person's judgment.

4 Aggravated labor trafficking is a class C felony.

5 § 5-b. Paragraph (a) of subdivision 1 of section 460.10 of the penal
6 law, as amended by chapter 405 of the laws of 2010, is amended to read
7 as follows:

8 (a) Any of the felonies set forth in this chapter: sections 120.05,
9 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relat-
10 ing to strangulation; sections 125.10 to 125.27 relating to homicide;
11 sections 130.25, 130.30 and 130.35 relating to rape; sections 135.20 and
12 135.25 relating to kidnapping; [section] sections 135.35 and 135.37
13 relating to labor trafficking; section 135.65 relating to coercion;
14 sections 140.20, 140.25 and 140.30 relating to burglary; sections
15 145.05, 145.10 and 145.12 relating to criminal mischief; article one
16 hundred fifty relating to arson; sections 155.30, 155.35, 155.40 and
17 155.42 relating to grand larceny; sections 177.10, 177.15, 177.20 and
18 177.25 relating to health care fraud; article one hundred sixty relating
19 to robbery; sections 165.45, 165.50, 165.52 and 165.54 relating to crim-
20 inal possession of stolen property; sections 165.72 and 165.73 relating
21 to trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30,
22 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25,
23 175.35, 175.40 and 210.40 relating to false statements; sections 176.15,
24 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20
25 and 178.25 relating to criminal diversion of prescription medications
26 and prescriptions; sections 180.03, 180.08, 180.15, 180.25, 180.40,
27 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22,
28 200.25, 200.27, 215.00, 215.05 and 215.19 relating to bribery; sections

1 187.10, 187.15, 187.20 and 187.25 relating to residential mortgage
2 fraud, sections 190.40 and 190.42 relating to criminal usury; section
3 190.65 relating to schemes to defraud; sections 205.60 and 205.65 relat-
4 ing to hindering prosecution; sections 210.10, 210.15, and 215.51 relat-
5 ing to perjury and contempt; section 215.40 relating to tampering with
6 physical evidence; sections 220.06, 220.09, 220.16, 220.18, 220.21,
7 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55, 220.60 and
8 220.77 relating to controlled substances; sections 225.10 and 225.20
9 relating to gambling; sections 230.25, 230.30, and 230.32 relating to
10 promoting prostitution; section 230.34 relating to sex trafficking;
11 sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity;
12 sections 263.10 and 263.15 relating to promoting a sexual performance by
13 a child; sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the
14 provisions of section 265.10 which constitute a felony relating to
15 firearms and other dangerous weapons; and sections 265.14 and 265.16
16 relating to criminal sale of a firearm; and section 275.10, 275.20,
17 275.30, or 275.40 relating to unauthorized recordings; and sections
18 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or
19 § 5-c. Paragraphs (b) and (h) of subdivision 8 of section 700.05 of
20 the criminal procedure law, paragraph (b) as amended by chapter 405 of
21 the laws of 2010 and paragraph (h) as amended by chapter 154 of the laws
22 of 1990, are amended to read as follows:

23 (b) Any of the following felonies: assault in the second degree as
24 defined in section 120.05 of the penal law, assault in the first degree
25 as defined in section 120.10 of the penal law, reckless endangerment in
26 the first degree as defined in section 120.25 of the penal law, promot-
27 ing a suicide attempt as defined in section 120.30 of the penal law,
28 strangulation in the second degree as defined in section 121.12 of the

1 penal law, strangulation in the first degree as defined in section
2 121.13 of the penal law, criminally negligent homicide as defined in
3 section 125.10 of the penal law, manslaughter in the second degree as
4 defined in section 125.15 of the penal law, manslaughter in the first
5 degree as defined in section 125.20 of the penal law, murder in the
6 second degree as defined in section 125.25 of the penal law, murder in
7 the first degree as defined in section 125.27 of the penal law, abortion
8 in the second degree as defined in section 125.40 of the penal law,
9 abortion in the first degree as defined in section 125.45 of the penal
10 law, rape in the third degree as defined in section 130.25 of the penal
11 law, rape in the second degree as defined in section 130.30 of the penal
12 law, rape in the first degree as defined in section 130.35 of the penal
13 law, criminal sexual act in the third degree as defined in section
14 130.40 of the penal law, criminal sexual act in the second degree as
15 defined in section 130.45 of the penal law, criminal sexual act in the
16 first degree as defined in section 130.50 of the penal law, sexual abuse
17 in the first degree as defined in section 130.65 of the penal law,
18 unlawful imprisonment in the first degree as defined in section 135.10
19 of the penal law, kidnapping in the second degree as defined in section
20 135.20 of the penal law, kidnapping in the first degree as defined in
21 section 135.25 of the penal law, labor trafficking as defined in section
22 135.35 of the penal law, aggravated labor trafficking as defined in
23 section 135.37 of the penal law, custodial interference in the first
24 degree as defined in section 135.50 of the penal law, coercion in the
25 first degree as defined in section 135.65 of the penal law, criminal
26 trespass in the first degree as defined in section 140.17 of the penal
27 law, burglary in the third degree as defined in section 140.20 of the
28 penal law, burglary in the second degree as defined in section 140.25 of

1 the penal law, burglary in the first degree as defined in section 140.30
2 of the penal law, criminal mischief in the third degree as defined in
3 section 145.05 of the penal law, criminal mischief in the second degree
4 as defined in section 145.10 of the penal law, criminal mischief in the
5 first degree as defined in section 145.12 of the penal law, criminal
6 tampering in the first degree as defined in section 145.20 of the penal
7 law, arson in the fourth degree as defined in section 150.05 of the
8 penal law, arson in the third degree as defined in section 150.10 of the
9 penal law, arson in the second degree as defined in section 150.15 of
10 the penal law, arson in the first degree as defined in section 150.20 of
11 the penal law, grand larceny in the fourth degree as defined in section
12 155.30 of the penal law, grand larceny in the third degree as defined in
13 section 155.35 of the penal law, grand larceny in the second degree as
14 defined in section 155.40 of the penal law, grand larceny in the first
15 degree as defined in section 155.42 of the penal law, health care fraud
16 in the fourth degree as defined in section 177.10 of the penal law,
17 health care fraud in the third degree as defined in section 177.15 of
18 the penal law, health care fraud in the second degree as defined in
19 section 177.20 of the penal law, health care fraud in the first degree
20 as defined in section 177.25 of the penal law, robbery in the third
21 degree as defined in section 160.05 of the penal law, robbery in the
22 second degree as defined in section 160.10 of the penal law, robbery in
23 the first degree as defined in section 160.15 of the penal law, unlawful
24 use of secret scientific material as defined in section 165.07 of the
25 penal law, criminal possession of stolen property in the fourth degree
26 as defined in section 165.45 of the penal law, criminal possession of
27 stolen property in the third degree as defined in section 165.50 of the
28 penal law, criminal possession of stolen property in the second degree

1 as defined by section 165.52 of the penal law, criminal possession of
2 stolen property in the first degree as defined by section 165.54 of the
3 penal law, trademark counterfeiting in the second degree as defined in
4 section 165.72 of the penal law, trademark counterfeiting in the first
5 degree as defined in section 165.73 of the penal law, forgery in the
6 second degree as defined in section 170.10 of the penal law, forgery in
7 the first degree as defined in section 170.15 of the penal law, criminal
8 possession of a forged instrument in the second degree as defined in
9 section 170.25 of the penal law, criminal possession of a forged instru-
10 ment in the first degree as defined in section 170.30 of the penal law,
11 criminal possession of forgery devices as defined in section 170.40 of
12 the penal law, falsifying business records in the first degree as
13 defined in section 175.10 of the penal law, tampering with public
14 records in the first degree as defined in section 175.25 of the penal
15 law, offering a false instrument for filing in the first degree as
16 defined in section 175.35 of the penal law, issuing a false certificate
17 as defined in section 175.40 of the penal law, criminal diversion of
18 prescription medications and prescriptions in the second degree as
19 defined in section 178.20 of the penal law, criminal diversion of
20 prescription medications and prescriptions in the first degree as
21 defined in section 178.25 of the penal law, residential mortgage fraud
22 in the fourth degree as defined in section 187.10 of the penal law,
23 residential mortgage fraud in the third degree as defined in section
24 187.15 of the penal law, residential mortgage fraud in the second degree
25 as defined in section 187.20 of the penal law, residential mortgage
26 fraud in the first degree as defined in section 187.25 of the penal law,
27 escape in the second degree as defined in section 205.10 of the penal
28 law, escape in the first degree as defined in section 205.15 of the

1 penal law, absconding from temporary release in the first degree as
2 defined in section 205.17 of the penal law, promoting prison contraband
3 in the first degree as defined in section 205.25 of the penal law,
4 hindering prosecution in the second degree as defined in section 205.60
5 of the penal law, hindering prosecution in the first degree as defined
6 in section 205.65 of the penal law, sex trafficking as defined in
7 section 230.34 of the penal law, criminal possession of a weapon in the
8 third degree as defined in subdivisions two, three and five of section
9 265.02 of the penal law, criminal possession of a weapon in the second
10 degree as defined in section 265.03 of the penal law, criminal
11 possession of a weapon in the first degree as defined in section 265.04
12 of the penal law, manufacture, transport, disposition and defacement of
13 weapons and dangerous instruments and appliances defined as felonies in
14 subdivisions one, two, and three of section 265.10 of the penal law,
15 sections 265.11, 265.12 and 265.13 of the penal law, or prohibited use
16 of weapons as defined in subdivision two of section 265.35 of the penal
17 law, relating to firearms and other dangerous weapons, or failure to
18 disclose the origin of a recording in the first degree as defined in
19 section 275.40 of the penal law;

20 (h) Promoting prostitution in the first degree, as defined in section
21 230.32 of the penal law, promoting prostitution in the second degree, as
22 defined by subdivision one of section 230.30 of the penal law, promoting
23 prostitution in the third degree, as defined in section 230.25 of the
24 penal law;

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

27 § 230.01 Prostitution; affirmative defense.

1 In any prosecution under section 230.00, section 230.03 or subdivision
2 two of section 240.37 of this part, it is an affirmative defense that
3 the defendant's participation in the offense was a result of having been
4 a victim of compelling prostitution under section 230.33, a victim of
5 sex trafficking under section 230.34 of this article or a victim of
6 trafficking in persons under the trafficking victims protection act
7 (United States Code, Title 22, Chapter 78).

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

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

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

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

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

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

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

23 2. For the purposes of this section, section 230.08 and section 230.19
24 of this article, "school zone" means (a) in or on or within any build-
25 ing, structure, athletic playing field, playground or land contained
26 within the real property boundary line of a public or private elementa-
27 ry, parochial, intermediate, junior high, vocational, or high school, or
28 (b) any public sidewalk, street, parking lot, park, playground or

1 private land, located immediately adjacent to the boundary line of such
2 school.

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

5 § 230.04 Patronizing a [prostitute] person for prostitution in the third
6 degree.

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

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

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

14 § 230.05 Patronizing a [prostitute] person for prostitution in the
15 second degree.

16 A person is guilty of patronizing a [prostitute] person for prostitu-
17 tion in the second degree when, being [over] eighteen years [of age] old
18 or more, he or she patronizes a [prostitute] person for prostitution and
19 the person patronized is less than [fourteen] fifteen years [of age]
20 old.

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

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

25 § 230.06 Patronizing a [prostitute] person for prostitution in the first
26 degree.

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

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

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

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

7 § 11-a. Section 230.07 of the penal law, as amended by chapter 74 of
8 the laws of 2007, is amended to read as follows:

9 § 230.07 Patronizing a [prostitute] person for prostitution; defense.

10 In any prosecution for patronizing a [prostitute] person for prostitu-
11 tion in the first or second degrees or patronizing a person for prosti-
12 tution in a school zone, it is a defense that the defendant did not have
13 reasonable grounds to believe that the person was less than the age
14 specified.

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

17 § 230.08 Patronizing a person for prostitution in a school zone.

18 1. A person is guilty of patronizing a person for prostitution in a
19 school zone when, being twenty-one years of age or older, he or she
20 patronizes a person for prostitution and the person patronized is less
21 than eighteen years of age at a place that he or she knows, or reason-
22 ably should know, is in a school zone.

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

25 Patronizing a person for prostitution in a school zone is a class E
26 felony.

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

1 Prostitution and patronizing a [prostitute] person for prostitution;
2 no defense.

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

7 § 14. The penal law is amended by adding three new sections 230.11,
8 230.12 and 230.13 to read as follows:

9 § 230.11 Aggravated patronizing a minor for prostitution in the third
10 degree.

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

18 Aggravated patronizing a minor for prostitution in the third degree is
19 a class E felony.

20 § 230.12 Aggravated patronizing a minor for prostitution in the second
21 degree.

22 A person is guilty of aggravated patronizing a minor for prostitution
23 in the second degree when, being eighteen years old or more, he or she
24 patronizes a person for prostitution and the person patronized is less
25 than fifteen years old and the person guilty of patronizing engages in
26 sexual intercourse, oral sexual conduct, anal sexual conduct, or aggra-
27 vated sexual conduct as those terms are defined in section 130.00 of
28 this part.

1 Aggravated patronizing a minor for prostitution in the second degree
2 is a class D felony.

3 § 230.13 Aggravated patronizing a minor for prostitution in the first
4 degree.

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

13 Aggravated patronizing a minor for prostitution in the first degree is
14 a class B felony.

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

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

25 2. "Profit from prostitution." A person "profits from prostitution"
26 when, acting other than as a [prostitute] person in prostitution receiv-
27 ing compensation for personally rendered prostitution services, he or
28 she accepts or receives money or other property pursuant to an agreement

1 or understanding with any person whereby he or she participates or is to
2 participate in the proceeds of prostitution activity.

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

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

11 § 17. The opening paragraph and subdivision 1 of section 230.25 of the
12 penal law, the opening paragraph as amended by chapter 627 of the laws
13 of 1978 and subdivision 1 as amended by chapter 74 of the laws of 2007,
14 are amended to read as follows:

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

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

26 § 18. Section 230.30 of the penal law, as amended by chapter 627 of
27 the laws of 1978, is amended to read as follows:

28 § 230.30 Promoting prostitution in the second degree.

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

3 1. Advances prostitution by compelling a person by force or intim-
4 idation to engage in prostitution, or profits from such coercive conduct
5 by another; or

6 2. Advances or profits from prostitution of a person less than
7 [sixteen] eighteen years old.

8 Promoting prostitution in the second degree is a class C felony.

9 § 19. The first undesignated paragraph of section 230.32 of the penal
10 law, as added 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 first degree when
13 he or she:

14 1. knowingly advances or profits from prostitution of a person less
15 than [eleven] thirteen years old; or

16 2. being twenty-one years old or more, he or she knowingly advances or
17 profits from prostitution of a person less than fifteen years of age.

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

20 § 230.33 Compelling prostitution.

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

25 Compelling prostitution is a class B felony.

26 § 21. Intentionally omitted.

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

1 § 230.35 Promoting or compelling prostitution; accomplice.

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

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

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

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

16 2. Any person who remains or wanders about in a public place and
17 repeatedly beckons to, or repeatedly stops, or repeatedly attempts to
18 stop, or repeatedly attempts to engage passers-by in conversation, or
19 repeatedly stops or attempts to stop motor vehicles, or repeatedly
20 interferes with the free passage of other persons, for the purpose of
21 prostitution[, or of patronizing a prostitute as those terms are] as
22 that term is defined in article two hundred thirty of [the penal law]
23 this part, shall be guilty of a violation and is guilty of a class B
24 misdemeanor if such person has previously been convicted of a violation
25 of this section or of [sections] section 230.00 [or 230.05] of [the
26 penal law] this part.

27 3. 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 patronizing a person for prostitution as defined in section 230.02 of
5 this part, shall be guilty of a violation and is guilty of a class B
6 misdemeanor if such person has previously been convicted of a violation
7 of this section or of section 230.04, 230.05, 230.06 or 230.08 of this
8 part.

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

12 6. Regardless of whether the victim requests to make a statement with
13 regard to the defendant's sentence, where the defendant is sentenced for
14 a violent felony offense as defined in section 70.02 of the penal law or
15 a felony defined in article one hundred twenty-five of such law or any
16 of the following provisions of such law sections 130.25, 130.30, 130.40,
17 130.45, 255.25, 255.26, 255.27, article two hundred sixty-three, 135.10,
18 135.25, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision two of
19 section 230.30 or 230.32, the prosecutor shall, within sixty days of the
20 imposition of sentence, provide the victim with a form on which the
21 victim may indicate a demand to be informed of any petition to change
22 the name of such defendant. Such forms shall be maintained by such
23 prosecutor. Upon receipt of a notice of a petition to change the name of
24 any such defendant, pursuant to subdivision two of section sixty-two of
25 the civil rights law, the prosecutor shall promptly notify the victim at
26 the most current address or telephone number provided by such victim in
27 the most reasonable and expedient possible manner of the time and place
28 such petition will be presented to the court.

1 § 26. Paragraph (i) of subdivision 1 of section 440.10 of the criminal
2 procedure law, as added by chapter 332 of the laws of 2010, is amended
3 to read as follows:

4 (i) The judgment is a conviction where the arresting charge was under
5 section 240.37 (loitering for the purpose of engaging in a prostitution
6 offense, provided that the defendant was not alleged to be loitering for
7 the purpose of patronizing a prostitute or promoting prostitution) or
8 230.00 (prostitution) or 230.03 of the penal law, and the defendant's
9 participation in the offense was a result of having been a victim of sex
10 trafficking under section 230.34 of the penal law, labor trafficking
11 under section 135.35 of the penal law, aggravated labor trafficking
12 under section 135.37 of the penal law, compelling prostitution under
13 section 230.33 of the penal law, or trafficking in persons under the
14 Trafficking Victims Protection Act (United States Code, title 22, chap-
15 ter 78); provided that

16 (i) a motion under this paragraph shall be made with due diligence,
17 after the defendant has ceased to be a victim of such trafficking or
18 compelling prostitution crime or has sought services for victims of such
19 trafficking or compelling prostitution crime, subject to reasonable
20 concerns for the safety of the defendant, family members of the defend-
21 ant, or other victims of such trafficking or compelling prostitution
22 crime that may be jeopardized by the bringing of such motion, or for
23 other reasons consistent with the purpose of this paragraph; and

24 (ii) official documentation of the defendant's status as a victim of
25 [sex] trafficking, compelling prostitution or trafficking in persons at
26 the time of the offense from a federal, state or local government agency
27 shall create a presumption that the defendant's participation in the
28 offense was a result of having been a victim of sex trafficking, compel-

1 ling prostitution or trafficking in persons, but shall not be required
2 for granting a motion under this paragraph.

3 § 27. Intentionally omitted.

4 § 28. Section 483-bb of the social services law is amended by adding a
5 new subdivision (c) to read as follows:

6 (c) An individual who is a victim of the conduct prohibited by section
7 230.33, 230.34, 135.35 or 135.37 of the penal law may bring a civil
8 action against the perpetrator or whoever knowingly advances or profits
9 from, or whoever should have known he or she was advancing or profiting
10 from, an act in violation of section 230.33, 230.34, 135.35 or 135.37 of
11 the penal law to recover damages and reasonable attorney's fees.

12 § 29. Section 212 of the civil practice law and rules is amended by
13 adding a new subdivision (e) to read as follows:

14 (e) By a victim of sex trafficking, compelling prostitution, or labor
15 trafficking. An action by a victim of sex trafficking, compelling pros-
16 titution, labor trafficking or aggravated labor trafficking, brought
17 pursuant to subdivision (c) of section four hundred eighty-three-bb of
18 the social services law, may be commenced within ten years after such
19 victimization occurs provided, however, that such ten year period shall
20 not begin to run and shall be tolled during any period in which the
21 victim is or remains subject to such conduct.

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

24 (a) As soon as practicable after a first encounter with a person who
25 reasonably appears to a law enforcement agency [or a] district attor-
26 ney's office, or an established provider of social or legal services
27 designated by the office of temporary and disability assistance or
28 the office for the prevention of domestic violence or the office of

1 victim services to be a human trafficking victim, that [agency or] law
2 enforcement agency or district attorney's office shall notify the office
3 of temporary and disability assistance and the division of criminal
4 justice services that such person may be eligible for services under
5 this article or, in the case of an established provider of social or
6 legal services, shall notify the office of temporary and disability
7 assistance and the division of criminal justice services if such victim
8 consents to seeking services pursuant to this article.

9 § 31. Intentionally omitted.

10 § 32. Section 14 of chapter 74 of the laws of 2007, amending the penal
11 law, the criminal procedure law, the correction law, the social services
12 law, and the executive law relating to human trafficking, as amended by
13 chapter 24 of the laws of 2011, is amended to read as follows:

14 § 14. This act shall take effect on the first of November next
15 succeeding the date on which it shall have become a law; provided that
16 section 483-ee of the social services law, as added by section eleven of
17 this act, shall take effect immediately and shall remain in full force
18 and effect until September 1, [2013] 2017 when upon such date the
19 provisions of such section shall expire and be deemed repealed.
20 Provided, effective immediately, the addition, amendment and/or repeal
21 of any rule or regulation necessary for the timely implementation of the
22 provisions of article 10-D of the social services law, as added by
23 section eleven of this act, on its effective date are authorized to be
24 made on or before such effective date.

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

27 (p) "Sex offense" means an act or acts constituting: (1) any felony
28 defined in article one hundred thirty of the penal law, including a

1 sexually motivated felony; (2) patronizing a [prostitute] person for
2 prostitution in the first degree as defined in section 230.06 of the
3 penal law, aggravated patronizing a minor for prostitution in the first
4 degree as defined in section 230.13 of the penal law, aggravated patron-
5 izing a minor for prostitution in the second degree as defined in
6 section 230.12 of the penal law, aggravated patronizing a minor for
7 prostitution in the third degree as defined in section 230.11 of the
8 penal law, incest in the second degree as defined in section 255.26 of
9 the penal law, or incest in the first degree as defined in section
10 255.27 of the penal law; (3) a felony attempt or conspiracy to commit
11 any of the foregoing offenses set forth in this subdivision; or (4) a
12 designated felony, as defined in subdivision (f) of this section, if
13 sexually motivated and committed prior to the effective date of this
14 article.

15 § 34. Subparagraph (i) of paragraph (a) of subdivision 2 of section
16 168-a of the correction law, as amended by chapter 405 of the laws of
17 2008, is amended to read as follows:

18 (i) a conviction of or a conviction for an attempt to commit any of
19 the provisions of sections 120.70, 130.20, 130.25, 130.30, 130.40,
20 130.45, 130.60, 230.34, 250.50, 255.25, 255.26 and 255.27 or article two
21 hundred sixty-three of the penal law, or section 135.05, 135.10, 135.20
22 or 135.25 of such law relating to kidnapping offenses, provided the
23 victim of such kidnapping or related offense is less than seventeen
24 years old and the offender is not the parent of the victim, or section
25 230.04, where the person patronized is in fact less than seventeen years
26 of age, 230.05 [or], 230.06, [or] 230.11, 230.12, 230.13, subdivision
27 two of section 230.30, [or] section 230.32 [or], 230.33, or 230.34 of

1 the penal law, or section 230.25 of the penal law where the person pros-
2 tituted is in fact less than seventeen years old, or

3 § 35. Paragraph (b) of subdivision 1 of section 168-d of the
4 correction law, as amended by chapter 74 of the laws of 2007, is amended
5 to read as follows:

6 (b) Where a defendant stands convicted of an offense defined in para-
7 graph (b) of subdivision two of section one hundred sixty-eight-a of
8 this article or where the defendant was convicted of patronizing a
9 [prostitute] person for prostitution in the third degree under section
10 230.04 of the penal law and the defendant controverts an allegation that
11 the victim of such offense was less than eighteen years of age or, in
12 the case of a conviction under section 230.04 of the penal law, less
13 than seventeen years of age, the court, without a jury, shall, prior to
14 sentencing, conduct a hearing, and the people may prove by clear and
15 convincing evidence that the victim was less than eighteen years [of
16 age] old or less than seventeen years [of age] old, as applicable, by
17 any evidence admissible under the rules applicable to a trial of the
18 issue of guilt. The court in addition to such admissible evidence may
19 also consider reliable hearsay evidence submitted by either party
20 provided that it is relevant to the determination of the age of the
21 victim. Facts concerning the age of the victim proven at trial or ascer-
22 tained at the time of entry of a plea of guilty shall be deemed estab-
23 lished by clear and convincing evidence and shall not be relitigated. At
24 the conclusion of the hearing, or if the defendant does not controvert
25 an allegation that the victim of the offense was less than eighteen
26 years [of age] old or less than seventeen years [of age] old, as appli-
27 cable, the court must make a finding and enter an order setting forth
28 the age of the victim. If the court finds that the victim of such

1 offense was under eighteen years [of age] old or under seventeen years
2 [of age] old, as applicable, the court shall certify the defendant as a
3 sex offender, the provisions of paragraph (a) of this subdivision shall
4 apply and the defendant shall register with the division in accordance
5 with the provisions of this article.

6 § 36. Paragraph (c) of subdivision 4 of section 509-cc of the vehicle
7 and traffic law, as amended by chapter 400 of the laws of 2011, is
8 amended to read as follows:

9 (c) The offenses referred to in subparagraph (i) of paragraph (b) of
10 subdivision one and subparagraph (i) of paragraph (c) of subdivision two
11 of this section that result in disqualification for a period of five
12 years shall include a conviction under sections 100.10, 105.13, 115.05,
13 120.03, 120.04, 120.04-a, 120.05, 120.10, 120.25, 121.12, 121.13,
14 125.40, 125.45, 130.20, 130.25, 130.52, 130.55, 135.10, 135.55, 140.17,
15 140.25, 140.30, 145.12, 150.10, 150.15, 160.05, 160.10, 220.06, 220.09,
16 220.16, 220.31, 220.34, 220.60, 220.65, 221.30, 221.50, 221.55, 230.00,
17 230.05, 230.06, 230.11, 230.12, 230.13, 230.19, 230.20, 235.05, 235.06,
18 235.07, 235.21, 240.06, 245.00, 260.10, subdivision two of section
19 260.20 and sections 260.25, 265.02, 265.03, 265.08, 265.09, 265.10,
20 265.12, 265.35 of the penal law or an attempt to commit any of the afor-
21 esaid offenses under section 110.00 of the penal law, or any similar
22 offenses committed under a former section of the penal law, or any
23 offenses committed under a former section of the penal law which would
24 constitute violations of the aforesaid sections of the penal law, or any
25 offenses committed outside this state which would constitute violations
26 of the aforesaid sections of the penal law.

27 § 36-a. The vehicle and traffic law is amended by adding a new section
28 510-d to read as follows:

1 § 510-d. Suspension and revocation of class E driver's licenses. 1. A
2 class E driver's license shall be suspended by the commissioner for a
3 period of one year where the holder is convicted of a violation of
4 section 230.20, 230.25, 230.30, 230.32, 230.34 or 230.40 of the penal
5 law and the holder used a for hire motor vehicle to commit such crime.

6 2. A class E driver's license may be revoked by the commissioner when
7 the holder, who had his or her driver's license suspended under subdivi-
8 sion one of this section within the last ten years, is convicted of a
9 second violation of section 230.20, 230.25, 230.30, 230.32, 230.34 or
10 230.40 of the penal law and the holder used a for hire motor vehicle to
11 commit such crime.

12 3. Any revocation or suspension of a class E driver's license issued
13 pursuant to this article shall be applicable only to that portion of the
14 holder's driver's license or privilege which permits the operation of a
15 motor vehicle transporting passengers for hire, and the commissioner
16 shall immediately issue a license, other than a class E driver's
17 license, to such person, provided that such person is otherwise eligible
18 to receive such license and further provided that issuing a license to
19 such person does not create a substantial traffic safety hazard.

20 4. The provisions of this section shall not be construed to prevent
21 any person who has the authority to suspend or revoke a license to drive
22 or privilege of operating pursuant to section five hundred ten of this
23 article from exercising any such authority.

24 § 37. Section 2324-a of the public health law, as amended by chapter
25 260 of the laws of 1978, is amended to read as follows:

26 § 2324-a. Presumptive evidence. For the purposes of this title, two
27 or more convictions of any person or persons had, within a period of one
28 year, for any of the offenses described in section 230.00, 230.05,

1 230.06, 230.08, 230.11, 230.12, 230.13, 230.20, 230.25 [or], 230.30 or
2 230.32 of the penal law arising out of conduct engaged in at the same
3 real property consisting of a dwelling as that term is defined in subdi-
4 vision four of section four of the multiple dwelling law shall be
5 presumptive evidence of conduct constituting use of the premises for
6 purposes of prostitution.

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

10 2. For purposes of this section, two or more convictions of any person
11 or persons had, within a period of one year, for any of the offenses
12 described in section 230.00, 230.05, 230.06, 230.11, 230.12, 230.13,
13 230.20, 230.25, 230.30, 230.32 or 230.40 of the penal law arising out of
14 conduct engaged in at the same real property consisting of a dwelling as
15 that term is defined in subdivision four of section four of the multiple
16 dwelling law shall be presumptive evidence of conduct constituting use
17 of the premises for purposes of prostitution.

18 § 39. Subdivision 3 of section 231 of the real property law, as
19 amended by chapter 203 of the laws of 1980, is amended to read as
20 follows:

21 3. For the purposes of this section, two or more convictions of any
22 person or persons had, within a period of one year, for any of the
23 offenses described in section 230.00, 230.05, 230.06, 230.11, 230.12,
24 230.13, 230.20, 230.25, 230.30, 230.32 or 230.40 of the penal law aris-
25 ing out of conduct engaged in at the same premises consisting of a
26 dwelling as that term is defined in subdivision four of section four of
27 the multiple dwelling law shall be presumptive evidence of unlawful use
28 of such premises and of the owners knowledge of the same.

1 § 40. Subdivision 3 of section 840 of the executive law is amended by
2 adding a new paragraph (f-1) to read as follows:

3 (f-1) Develop, maintain and disseminate, in consultation with the
4 office of temporary and disability assistance and the division of crimi-
5 nal justice services, written policies and procedures regarding human
6 trafficking victims. Such policies and procedures shall include, but not
7 be limited to the following: (1) the identification of potential victims
8 of human trafficking, as defined under section four hundred eighty-
9 three-aa of the social services law; and (2) information and/or referral
10 to appropriate social and legal services for victims of human traffick-
11 ing in accordance with section four hundred eighty-three-bb of the
12 social services law;

13 § 41. The executive law is amended by adding a new section 214-d to
14 read as follows:

15 § 214-d. Human trafficking awareness. The superintendent, in consulta-
16 tion with the office of temporary and disability assistance and the
17 division of criminal justice services, shall: (1) develop, maintain and
18 disseminate to all members of the state police, including new and veter-
19 an officers, written policies, procedures and educational materials
20 relating to human trafficking victims, including services available for
21 victims of human trafficking, as referenced in section four hundred
22 eighty-three-bb of the social services law; and (2) establish and imple-
23 ment written procedures and policies in the event a member of the divi-
24 sion of state police encounters an individual believed to be a victim of
25 human trafficking, which shall include, but not be limited to, the
26 provision of information and/or referral to an appropriate provider of
27 social and legal services to human trafficking victims, in accordance
28 with such section four hundred eighty-three-bb.

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

3 PART I

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

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

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

1 § 2. Paragraph (a) of subdivision 3 of section 296 of the executive
2 law, as added by chapter 269 of the laws of 1997, is amended and two new
3 paragraphs (c) and (d) are added to read as follows:

4 (a) It shall be an unlawful discriminatory practice for an employer,
5 licensing agency, employment agency or labor organization to refuse to
6 provide reasonable accommodations to the known disabilities, or pregnan-
7 cy-related conditions, of an employee, prospective employee or member in
8 connection with a job or occupation sought or held or participation in a
9 training program.

10 (c) The employee must cooperate in providing medical or other informa-
11 tion that is necessary to verify the existence of the disability or
12 pregnancy-related condition, or that is necessary for consideration of
13 the accommodation. The employee has a right to have such medical infor-
14 mation kept confidential.

15 (d) Nothing in this subdivision regarding "reasonable accommodation"
16 or in part D of the chapter of the laws of two thousand thirteen which
17 added this paragraph shall alter, diminish, increase, or create new or
18 additional requirements to accommodate protected classes pursuant to
19 this article other than the additional requirements as explicitly set
20 forth in such chapter of the laws of two thousand thirteen.

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

23

PART J

24 Section 1. The public health law is amended by adding a new section
25 4166 to read as follows:

1 § 4166. Access to reproductive services. The state shall not deny a
2 woman's right to obtain an abortion as established by the United States
3 Supreme Court in the decision Roe v. Wade, 410 U.S.113 (1973). Notwith-
4 standing any law to the contrary, New York protects a woman's right to
5 terminate a pregnancy within twenty-four weeks from commencement of her
6 pregnancy, or when necessary to protect a woman's life or health as
7 determined by a licensed physician.

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

12 Nothing in this section shall conflict with the partial birth abortion
13 ban codified under 18 USC section 1531.

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

17 Subdivisions two and three of section 125.05, subdivision two of
18 section 125.15, subdivision three of section 125.20 and sections 125.40,
19 125.45, 125.50, 125.55 and 125.60 of the penal law are hereby repealed
20 to the extent that they are inconsistent with this section.

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

23 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
24 sion, section or part of this act shall be adjudged by a court of compe-
25 tent jurisdiction to be invalid, such judgment shall not affect, impair
26 or invalidate the remainder thereof, but shall be confined in its opera-
27 tion to the clause, sentence, paragraph, subdivision, section or part
28 thereof directly involved in the controversy in which such judgment

1 shall have been rendered. It is hereby declared to be the intent of the
2 legislature that this act would have been enacted even if such invalid
3 provisions had not been included herein.

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