

FINDING AID FOR CHAPTER 56 CHANGES:

Ch. 56, L. 2009 04/07/2009,

[[the entire Chapter]] effective immediately with component parts with various effectiveness provisions, some with retroactive effectiveness with none earlier than March 1, 2009.

[[see Chart 3 for the effective date of each Part]].

Structure:

Chapter 56 is set up with 3 main sections. The first explains which laws are amended; the second contains the amending component parts A through AAA [Part A through Part Z; Part AA through Part ZZ; Part AAA]; and the third explains effectiveness of the Chapter as a whole.

Note: "...each component is wholly contained with a Part identified as Parts A through AAA. The effective date for each particular provision contained within such a part is set forth within the last section of such part."

See Chart 1 for changes to the Criminal Procedure Law and to the Penal Law.

See Chart 2 for a list of Consolidated laws amended and the Part of Ch. 56 containing changes to that law.

See Chart 3 for the effective date of each Part.

Length:

the chapter law extends for 138 pages online.

This printout contains the Bill Text followed by the Chapter Law text, for a total of 268 pages.

Related Bills:

See A.3894 for changes to the Rockefeller Drug Laws (not enacted as of 4/07/09, Legislative Session resumes Monday, May 18, according to the Legislative Status Line 1 800 342-9860.

Chart 1: Changes to the Criminal Procedure Law and to the Penal Law.

THE CRIMINAL PROCEDURE LAW:

ARTICLE 160 - Fingerprinting and Photographing of Defendant After Arrest – Criminal Identification Records and Statistics
160.58 conditional sealing of certain controlled substance, marihuana or specified offense convictions

[Graybook note:
2009 edition rec'd January 2009 shows 160.55 as the highest section in Article 160]

ARTICLE 216 - Judicial Diversion Program for Certain Felony Offenders

ARTICLE 390 - Pre-sentence reports
390.30 Scope of pre-sentence investigation and report
390.30(6) amended

ARTICLE 440 - Post-judgment motions
440.46 motion for resentencing; certain controlled substance offenders

ARTICLE 450 - Appeals - in what cases authorized and to what courts taken
450.90 - Appeal by people directly to court of appeals; in what cases authorized
450.90(1) amended

THE PENAL LAW:

ARTICLE 60 - AUTHORIZED DISPOSITION OF OFFENDERS
60.04 Authorized disposition; controlled substances and marihuana felony offenses
60.04(3) amended
60.04 new subdivision 7
60.04(5) amended

ARTICLE 65 SENTENCES OF PROBATION, CONDITIONAL DISCHARGE AND UNCONDITIONAL DISCHARGE
65.00 Sentence of probation
65.00(1)(b) amended
65.00(3)(a)(I) amended
65.00(3)(a)(ii) amended

ARTICLE 70--SENTENCES OF IMPRISONMENT
70.40 Release on parole; conditional release; presumptive release
70.40(1)(a)(5) amended
70.40(2) amended
70.70 Sentence of imprisonment for felony drug offender other than a class A felony
70.70(2)(a)(I) amended
70.70(2)(c) amended
70.70(2)(d) new paragraph added (see page 130 of Ch. 56)
70.70(3)(a) amended
70.70(3)(b) amended
70.70(3)(c) amended
(c) Alternative definite sentence....
adds "class B" ..."or a class B felony defined in article two hundred twenty of this chapter, other than the class B felony defined in 220.48 of this chapter as added by a chapter of the laws of 2009"
70.71 Sentence of imprisonment for a class A felony drug offender.
70.71(2)(a)(5) sentencing provisions relative to new 220.77

ARTICLE 220--CONTROLLED SUBSTANCES OFFENSES
220.00(18) - controlled substance organization
220.00(19) - controlled substance organization
220.00(20) - controlled substance organization

220.48 Criminal sale of a controlled substance to a child.

220.77 Operating as a major trafficker.

Chart 2: Consolidated Laws amended and the Part of Ch. 56 containing changes to that law

Consolidated Laws:	Part in Chapter 56, Laws of 2009
Alcoholic Beverage Control Law	WW
Civil Practice Law and Rules	U
Constitution - Judiciary Article provisions	ZZ
Correction Law	H, K, L, Q, SS, UU
County Law	B repeals §309
Court of Claims Act	U
Criminal Procedure Law	O, AAA
Education Law	VV
Executive Law	E, G, J, M, N, Q, R, SS
...eligibility criteria for medical parole	J
...graduated sanctions for parole violators and allowing PB members to use a risk and needs assessment instrument...	N
...radiological emergency preparedness requirements...	R
...reimbursement to localities for housing technical parole violators and state ready inmates except...	M
...release and supervision of persons serving a definite sentence...	SS
..crime victims compensation to SA survivors	E
...security guard instructors and training schools	G
..[removing] oversight over facilities accredited with the American Correctional Association	Q
Insurance Law	T
Judiciary Law	AAA
Legislative Law	XX
Mental Hygiene Law	AAA
Military Law	RR
Penal law	J, SS
Private Housing Finance Law	PP
Public Authorities Law	PP
Real Property Law	JJ

Consolidated Laws:	Part in Chapter 56, Laws of 2009
Real Property Tax Law	II, PP
State Finance Law	A, T, GG, JJ, KK, PP, XX
Tax Law	A, U
<i>various laws - extending expiration of</i>	U
Vehicle & Traffic Law	T, TT
Workers Compensation Lawq	QQ

CHART 3: EFFECTIVE DATE OF DESIGNATED PART OF CHAPTER 56 LAWS 2009

Part of Chapter 56, Laws 2009	Effective :
A	immediately ..in full force and effect on and after April 1, 2009.
B	first day of the quarterly period as described in paragraph (b) of subdivision 2 of section 186-f of the tax law, as added by section three of this act, next commencing at least 120 days after this act becomes a law.
C	Intentionally omitted.
D	Intentionally omitted.
E	immediately, and shall apply to all exams conducted on and after such date.
F	Intentionally omitted.
G	immediately.
H	immediately; provided, however that sections five and six of this act shall expire and be deemed repealed September 1, 2011.
I	Intentionally omitted.
J	<p>immediately; provided that:</p> <p>(a) the amendments to paragraph (a) of subdivision 1 of section 259-r of the executive law made by section one of this act shall be subject to the expiration and reversion of such paragraph pursuant to chapter 3 of the laws of 1995, as amended, when upon such date the provisions of section two of this act shall take effect.</p> <p>(b) the amendments to the section heading, paragraph (a) of subdivision 1, paragraph (b) of subdivision 1, subdivision 2 and subdivision 4 of section 259-r of the executive law made by sections one, two, three, four and five, respectively, of this act shall not affect the expiration of such section and shall be deemed to expire therewith; and</p> <p>(c) the amendments to subparagraph (v) of paragraph (a) of subdivision 1 of section 70.40 of the penal law and the amendments to subdivision 1 of section 259-c of the executive law made by sections seven and eight, respectively, of this act shall not affect the expiration of such paragraph and subdivision and shall be deemed to expire therewith.</p>
K	immediately.
L	immediately.
M	immediately ..in full force and effect on and after April 1, 2009.

N	immediately ..in full force and effect on and after March 1, 2009
O	this act shall take effect on the sixtieth day after it shall become a law, provided, however, that a defendant serving a sentence of probation supervision on the effective date of this act shall have his or her probation sentence credited with any period of interim probation supervision that he or she satisfactorily completed prior to the imposition of that probation sentence.
P	Intentionally omitted.
Q	immediately; provided, hwoever, that sections two, four, five and six of this act shall take effect on the one hundred eightieth day after it shall become a law.
R	immediately and shall be deemed to have been in full force and effect on and after April 1, 2009, provided, however, this act shall not affect obligations or amounts with respect to fees payable on or before April 1, 2009.
S	Intentionally omitted.
T	immediately and shall be deemed to have been in full force and effect on and after March 1, 2009, provided, however, that section one of this act shall take effect June 1, 2009.
U ***note many extensions of previous expiration dates [[from 2009 to 2011]]	immediately.
V	Intentionally omitted
W	Intentionally omitted
X	Intentionally omitted
Y	Intentionally omitted
Z	Intentionally omitted
AA	Intentionally omitted
BB	Intentionally omitted

CC	Intentionally omitted
DD	Intentionally omitted
EE	Intentionally omitted
FF	Intentionally omitted
GG	immediately; and shall be deemed to have been in full force and effect on and after April 1, 2009.
HH	Intentionally omitted
II	immediately and shall be deemed to have been in full force and effect on and after April 1, 2009.
JJ	immediately; provided, however that section two of this act shall take effect June 1, 2009 and shall be applicable to conveyances submitted for recording on and after such date.
KK	immediately and shall be deemed to have been in full force and effect on and after April 1, 2009.
LL	Intentionally omitted.
MM	Intentionally omitted.
NN	Intentionally omitted.
OO	Intentionally omitted.
PP	This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2009; provided, however, that sections one, two, three, four, twelve and twenty-one through thirty-one of this act shall expire March 31, 2010, when, upon such date, the provisions of such sections shall be deemed repealed; provided, however that the amendments to subdivision 5 of section 97-rrr of the state finance law made by section thirteen of this act shall not affect the expiration and reversion of such subdivision and shall expire and be deemed repealed therewith; and provided, further that amendments to section 69-c of the state finance law, made by section thirty-five of this act, shall not affect the expiration and reversion of such section and shall expire therewith.
QQ	immediately, provided that sections one and two of this act shall take effect on January 1, 2010.

RR	immediately.
SS	immediately.
TT	immediately.
UU	This act shall take effect immediately, provided however that the provisions of section two of this act shall be implmented upon the certification by the commissioner of the department of health that the centralized statewide enrollment center, established through contract with the department of health pursuant to subdivision 24 of section 206 of the public health law, is able to accept and process medical assistance applications. This act shall remain in effect until April 1, 2012, when it shall expire and be deemed repealed.
VV	immediately.
WW	immediately.
XX	immediately, provided however, if this act takes effect on or after June 30, 2009 this act shall take effect immediately and shall be deemed to have been in full force and effect on and after June 30, 2009.
YY	immediately.
ZZ	immediately.

AAA

This act shall take effect immediately; provided however that:

- (a) section three of this act shall take effect on the sixtieth day after it shall have become a law;
- (b) sections four and ten of this act shall take effect six months after this act shall have become a law;
- (c) sections eleven, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty and thirty-one of this act shall take effect on the first of November next succeeding the date on which it shall have become a law;
- (d) section sixteen of this act shall take effect on the one hundred twentieth day after it shall have become a law;
- (e) section nine of this act shall take effect six months after it shall have become a law, except that the amendments to subdivision 4 of section 440.46 of the criminal procedure law made by section nine of this act shall take effect immediately;
- (f) sections four, five, six, seven, eight, seventeen, nineteen, twenty, twenty-two, twenty-three, twenty-four, and twenty-five of this act shall apply to offenses committed on or after the date this act shall have become a law, and shall also apply to offenses committed before such date provided that sentence upon conviction for such offense has not been imposed on or before such date; and
- (g) provided further that the amendments to section 410.91 of the criminal procedure law made by sections six and eight of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith.