

**THURSDAY, MARCH 28, 2019**

**1:47 P.M.**

ACTING SPEAKER AUBRY: The House will come to order.

Rabbi Bachman will offer a prayer.

RABBI BACHMAN: Source of life, source of justice, source of peace, we ask Your blessing upon this Body of Assemblymembers, that you inspire them to serve their people with discourse, with laws that guide us through the principles animated by You, that each of us no matter who we are or where we come from our made in Your image. And that we are given the gift of life as the breath of life to build a world of justice, compassion and peace. Amen.

MEMBERS: Amen.

ACTING SPEAKER AUBRY: Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Wednesday, March 27th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move that we dispense with the Journal of Wednesday March the 27th and ask that the stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. This is my opportunity to share a word of wisdom. Today our words of wisdom comes from Winnie Mandela; Mrs. Mandela, the former First Lady of Africa and a wonderful leader in her community. Although she's no longer with us, she left some profound words. "We have a shared destiny, a shared responsibility to save the world from those who attempt to destroy it." Again, Mr. Speaker, that's Winnie Mandela.

Our members should be notified that they have on their desk a main Calendar. After any introductions and/or housekeeping, we will continue with consent beginning with Calendar

No. 156 on page 14. We will also be working off the main Calendar on debate. Members should be aware that there will be additional conferences held this evening. You will be contacted by the Speaker's office when those are going to be held. And if our colleagues have any such need for a conference, I'm sure they will make us aware of that. So with that as a general outline, Mr. Speaker, if there are any introductions?

ACTING SPEAKER AUBRY: Certainly.

MRS. PEOPLES-STOKES: I do have one and/or housekeeping, now would be the appropriate time.

ACTING SPEAKER AUBRY: No housekeeping but introductions.

Ms. Niou for the purposes of a [sic] introduction.

MS. NIOU: I am so honored to be able to introduce a special guest and my personal friend to do the opening prayer this morning. Andy Bachman is actually a New York City-based community leader. He's based in my community, actually and he's an educator and a nationally-recognized executive, teacher, writer, rabbi, and social entrepreneur and he's a dedicated Jewish leader with significant experience in expanding and strengthening all aspects of pluralistic Jewish public and private and not-for-profit organizations. Andy is deeply committed to fighting all forms of social injustice and finding points of connection among people with different world views. He and I have worked together on economic justice issues and social justice issues and I will continue to stand with Andy all the time.

Andy has been on the *Newsweek* list of the nation's most influential rabbis and he currently serves as Executive Director of the Jewish Community Project Downtown in Manhattan and so I just wanted to ask the whole Body to please join me in welcoming Rabbi Andy Bachman.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Niou, Mr. Cymbrowitz, Ms. Rozic, the Speaker and all the members, Rabbi, welcome to the New York State Assembly. We extend to you the privileges of the floor. Thank you for starting us off with prayer today. Please be well. Always know you're welcome back.

RABBI BACHMAN: Thank you so much.

(Applause)

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes for the purposes of a [sic] introduction.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I'm pleased to be able to introduce our colleague Ken Zebrowski's family; his wife Clair and his beautiful daughter Reagan. I remember, Mr. Speaker, it was just last June that Reagan was born and so here we are with her in our Chambers. Oh, she's waving, too, by the way. She's waving at you, Mr. Speaker. If you would welcome them to our Chambers and offer them the cordialities of our floor. We'd be much appreciative.

ACTING SPEAKER AUBRY: Certainly. On behalf of your husband and on behalf of your father, Reagan and Clair, we

welcome you here to the New York State Assembly, power to the people. Where's Charles? I don't see him.

(Laughter)

We are so happy to have you here. You are family so you always have the privileges of the floor. And during this long week, it's clear that you have made your husband and your father a very happy man and we share in that joy. Thank you so very much.

(Applause)

Ms. Melissa Miller.

MS. MILLER: Thank you, Mr. Speaker. I rise today for an introduction. Although many of you already know my son Oliver, we do have lots of new members so I'd like to introduce him again. This is my son Oliver. Oliver had a stroke in utero that caused a brain injury resulting in developmental disabilities and complex medical problems. My family, my husband Brandon and my daughter Katy are so amazing and so strong. We all work together to provide Oliver with whatever he needs to have the most productive life. It's certainly not easy. It's rewarding, yes very, but not easy. Each year my husband and Oliver stay up for -- up here in Albany for the duration of the budget process because it wouldn't be possible for me to be away from Oliver for so long since I am the provider for most of his skilled care since we can't find somebody else to do it. So I'm really grateful to be having them up here sharing this with me again. Oliver continues to be my inspiration to fight for the rights and the needs of all of the people in our State including our most vulnerable.

We've had a very rocky year this year, a year full of scary medical complications and even scarier changes in the systems that provide support to people like Oliver. We are experiencing lots of transitions which honestly are really, really hard both physically and emotionally. But you see this boy, really now a young man, he's a fighter. He keeps fighting. He faces each day with a smile and a *hi, I'm good*. His fortitude motivates me and reminds me why I keep fighting for his friends, for our neighbors, yours and mine. We all deserve quality of life and Oliver is a daily reminder to keep up that fight. So please extend the cordialities of the House once again, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of your mother, the Speaker and all the members, Oliver, welcome back here to the New York State Assembly. You are our family. We are always pleased to see you lighten us up and you inspire us. Thank you so very much and we send love to you. Thank you so very much.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could please go to resolutions on page 3 beginning with Assembly No. 227.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. 227, Mr. McDonald.  
Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim April 6, 2019, as Missing Persons Day in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly No. 230, Ms. Lupardo. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim April 7-13, 2019, as Crime Victims Rights Week in the State of New York, in conjunction with the observance of National Crime Victims Rights Week.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If we could now go to our main Calendar, page 14, Calendar No. 156, Mr. DenDekker.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A04275, Calendar No. 156, DenDekker, Wallace, Barron, D. Rosenthal, Blake, Sayegh, Colton, Reyes. An act to authorize the study of fees and charges assessed to residents of assisted living facilities.

ACTING SPEAKER AUBRY: The bill is laid aside,

THE CLERK: Assembly No. A04568, Calendar No. 157, Englebright, Thiele, D'Urso, Colton, Weprin, Ramos, L. Rosenthal, Abinanti, Gottfried, Glick, Romeo, Ryan, Epstein, Griffin, Byrne. An act to amend the Environmental Conservation Law, in

relation to the sale or use of nitrogen fertilizer.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04745, Calendar No. 158, Dinowitz. An act to amend Chapter 455 of the Laws of 1997 amending the New York City Civil Court Act and the Civil Practice Law and Rules relating to authorizing New York City marshals to exercise the same functions, powers and duties as sheriffs with respect to the execution of money judgments, in relation to extending the effectiveness of such chapter.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Colleagues, this is our first vote of the day. If you're in and around the Chambers, please cast your vote. Thank you.

ACTING SPEAKER AUBRY: First vote of the day, members.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04760-A, Calendar No. 159, Aubry, Weprin. An act to amend the Judiciary Law, in



relation to removing the lifetime ban on jury duty for convicted felons who have completed their sentencing.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05386, Calendar No. 160, Abbate, Griffin, Colton. An act to amend the Civil Service Law, in relation to employees classified as the Triborough bridge and tunnel authority superior officers benevolent association of an MTA-employer and the resolution of disputes in the course of collective negotiations.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05944, Calendar No. 161, Quart, Epstein, Gottfried. An act to amend the Penal Law, in relation to gravity knives.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A06091, Calendar No. 162, Abbate, Griffin, Colton. An act to amend the Civil Service Law, in relation to the appointment and promotion of supervisors of the emergency medical service.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If we could now go to page 11. We're going to go to Calendar No. 133 [sic] (123), Mr. Buchwald.

ACTING SPEAKER AUBRY: Page 11, Bill No --  
-Calendar No. 123. The Clerk will read.

THE CLERK: Assembly No. A00112-A, Calendar No. 123, Buchwald, Santabarbara, Paulin, Niou, Galef, Seawright, Blake, Jaffee, Montesano, Crouch, Bryne, Gunther, Rivera, Gottfried, Davila, Weprin, Glick, D'Urso, Jacobson. An act to amend the Election Law, in relation to ballot proposals.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect December 15th.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER ROZIC: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. If we can now go to Calendar No. 23, it's on page 5 by Mr. Gottfried on debate.

ACTING SPEAKER ROZIC: The Clerk will read.

THE CLERK: Assembly No. A01148, Calendar No. 23, Gottfried, Dinowitz, Paulin, Aubry, Cook, Glick, Perry, Blake, Ortiz, Abinanti, Crespo, D'Urso, Barron, Colton, Galef, Reyes, Fernandez, Sayegh. An act to amend the Public Health Law and the New York City Health and Hospitals Corporation Act, in relation to hospital community advisory boards.

ACTING SPEAKER ROZIC: An explanation is requested.

MR. GOTTFRIED: Yes. Madam Speaker, this bill would require every general hospital in the State to have a Community Advisory Board as many hospitals, but far from all, now do.

ACTING SPEAKER ROZIC: Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker. Would the sponsor yield?

ACTING SPEAKER ROZIC: Will you yield?

MR. GOTTFRIED: Yes.

ACTING SPEAKER ROZIC: The sponsor yields.

MR. GOODELL: Thank you, Mr. Gottfried. Isn't this already the situation for all the public hospitals in New York City, they also have a Community Advisory Board?

MR. GOTTFRIED: Yes. The New York City Health and Hospitals Corporation hospitals have for, as long as I know, had a Community Advisory Board, yes.

MR. GOODELL: So the purpose of this bill is to take the New York City model and mandate it across the State?

MR. GOTTFRIED: No. It's to say that every hospital should have a Community Advisory Board. There are some hospital -- you could say it takes the -- the NYU Langone model and applies it around the State.

MR. GOODELL: Most of -- I'm certainly all the hospitals in my district already have a Board of Directors which is composed of community members. Why isn't the current format of Board of Directors with wide representation from community members - and that model is used across Upstate - why isn't that adequate?

MR. GOTTFRIED: A hospital forms a Board of Trustees primarily to get wealthy people in town as all -- as almost any non-profit and, frankly, most for-profit corporations do. You put on your Board of Trustees or your Board of Directors people who are -- who either have sometimes some very high level of professional expertise to contribute or can help you raise money. That's not what a

Community Advisory Board is aimed at doing. I'd be -- you know, a Community Advisory Board is meant to have a membership that reflects the population of the community, that reflects the people who use the hospital. I would be really surprised if that's the basis on which hospitals in your district or mine or 148 other Assembly Districts in the State form their Boards of Trustees, nor should they. A Board of Trustees is supposed to have people. You should have some people on it who may just represent the community, but mainly you want people with a high level of some professional knowledge to contribute to the management of the hospital and the ability to bring in money. That's what a Board of Trustees does. Its function and the nature of its membership is dramatically different from what a Community Advisory Board is meant to be and meant to do.

MR. GOODELL: Well, with all due respect, I don't know what the Board of Trustees do in hospitals in your district, but the Board of Trustees in the hospitals in my district are not all wealthy elitists. It is a broad representation of the community. So my question is if, under this bill, if a hospital's Board of Directors has a representative board of members of the community that meet the criteria specified in this bill, are they then exempt from having to create a new secondary duplicative committee or can they use their own already existing Board of Directors?

MR. GOTTFRIED: Well, that's a very different question. And by the way, you used the term "elitists", not me, and if you tell me that the Board of the hospital in your district is in fact

fairly representative of the general population of your district, I won't argue with you. I'll be -- you know, it would knock my socks off if that's true, but maybe it is. The fact that a group of people that would fit the description of a Community Advisory Board in this bill also happened to be members of a Board of Trustees, would -- certainly would not preclude that group of people from being labeled as the hospital's Community Advisory Board. So it is conceivable, although to me it's hard to imagine, that a hospital could have a Board of Trustees that might fit the criteria and be -- and wear a second hat as its Community Advisory Board.

MR. GOODELL: Mr. Gottfried, I just wanted to extend on behalf of myself and my wife, a standing invitation for you to come and be our guest at our house and if your socks are knocked off we will provide slippers for you.

(Laughter)

It's part of our full-service hospitality and you are always welcome.

MR. GOTTFRIED: Well, thank you. Maybe I'll take you up on that.

MR. GOODELL: Now, voluntary hospitals are already required, as I understand under regulations, to prepare a Community Service Plan?

MR. GOTTFRIED: Yes.

MR. GOODELL: And that Community Service Plan covers the same types of issues, doesn't it, that is covered by this bill

as well?

MR. GOTTFRIED: The Community Service Plan is meant to relate to a lot of what a Community Advisory Board would focus on and in fact under the bill, the bill says, right at the beginning, that when a hospital develops its Community Service Plan, it shall do so in consultation with its Community Advisory Board.

MR. GOODELL: Thank you very much, Mr. Gottfried, and just let me know when you want to visit.

On the bill.

ACTING SPEAKER ROZIC: On the bill.

MR. GOODELL: Thank you, Madam Speaker. I appreciate the sponsor's desire to have our hospitals across the State be getting input from the community that they serve. That's a laudable goal, certainly and I am certainly not in a position to question in any way the wisdom of New York City to require that for many of the New York City hospitals already. In the rural parts of our State, in Upstate, most of our hospitals are run by volunteer boards that have a broad cross-section of the community. In addition, these hospitals are required to create a Community Action Plan or a Community Service Plan. It's called a service -- Community Service Plan and that Community Service Plan is designed to ensure that the hospital is meeting the needs of the community. Quite frankly, a program that may run very well in New York City, is not necessarily the right program throughout the rest of the State. And for those hospitals Upstate that are struggling financially who work very, very hard to

have a representative Board of Trustees to impose in a duplicative and another layer of burden and regulation on them is really not an appropriate way to go especially at a time when we're trying to make sure that these hospitals stay open and serve the community in the best way possible. So, I and many of my colleagues will not be supporting this. Although we do recognize that in certain areas of the State, perhaps in New York City, it might be a great idea and we're glad they're operating their hospitals differently. Thank you very much, Madam Speaker, and again, thank you very much to my colleague, Mr. Gottfried.

ACTING SPEAKER ROZIC: Read the last section.

THE CLERK: This act shall take effect on the 270th day.

ACTING SPEAKER ROZIC: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Abinanti to explain his vote.

MR. ABINANTI: Thank you. Thank you, Madam Speaker. I would like to commend the sponsor of this legislation. I think the -- the sponsor recognizes the difference -- functions that are necessary to make a hospital effective for a community. The function of the Board of Directors of the hospital is to fulfill a fiduciary responsibility to that institution to make the business decisions that are necessary to keep that hospital functioning appropriately. A Community Advisory Board has a totally different function and that is



to speak on behalf of the members of the community and bring issues to the Board of Directors of the hospital that they might not otherwise see. To explain how there is a community need that the Board of Directors might be missing and to reach out to the community and elicit support from the community members, make sure the community members understand the services that are available to them from the hospital. So there are two very different functions that in my mind cannot be served by one board. So I commend the sponsor for recognizing this need which -- and this solution I think will actually make the hospitals in our State far stronger. So I vote in the affirmative and urge my colleagues to do so.

ACTING SPEAKER ROZIC: Mr. Abinanti in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. If we could now go to page 9, Calendar No. 84 by Mr. Weprin on debate.

ACTING SPEAKER ROZIC: The Clerk will read.

THE CLERK: Assembly No. A04336, Calendar No. 84, Weprin, Blake. An act to amend the Correction Law, in relation to the report the correction medical review board is required to issue regarding the death of any inmate.

ACTING SPEAKER ROZIC: An explanation is requested, Mr. Weprin.

MR. WEPRIN: Thank you. This bill would add language to Section 47 of the Correction Law requiring the medical review board to issue a report without redaction except in cases of medical necessity or as otherwise required to protect confidential medical records and behavioral health records in accordance with State and federal laws to the Governor, the Chair of the Assembly's Committee on Correction and the Chair of the Senate Committee on Crime Victims Crime and Correction. This law is necessary -- or this bill is necessary as there have been cases when the Legislature has sought copies of reports on the death of inmates housed in State correctional facilities which upon delivery have been so heavily redacted with entire pages and paragraphs to the point where you cannot determine anything other than the name of the individual.

ACTING SPEAKER ROZIC: Mr. Goodell.

MR. GOODELL: Thank you, Madam Speaker.

Would the sponsor yield?

ACTING SPEAKER ROZIC: Will you yield, Mr. Weprin?

MR. WEPRIN: Yes. I'd be happy to yield.

ACTING SPEAKER ROZIC: The sponsor yields.

MR. GOODELL: Thank you very much, Mr. Weprin. When these reports are created, it's following the death of an inmate, is that correct?

MR. WEPRIN: Yes.

MR. GOODELL: And I'm correct to assume that most of these deaths are not the result of natural causes, you know, old age or things of that nature?

MR. WEPRIN: Well, it's not always determined until -- until we know an investigation takes place. So I don't know if you can determine what the cause of death is, you know, other than having an investigation.

MR. GOODELL: But, of course, the report on the cause of death occurs only after the investigation, correct?

MR. WEPRIN: No. It would be after the death of someone who is incarcerated, if it occurs while they're incarcerated.

MR. GOODELL: Right. And then after they die while incarcerated there's an investigation. And after the investigation is completed, then the report is prepared on that death.

MR. WEPRIN: Correct.

MR. GOODELL: That's the sequence. And is it correct to assume that many of these inmate deaths are the result of potential criminal activity; an assault by another inmate or something of that nature?

MR. WEPRIN: It could be, it could not be. It just says reviewing the cause of death. So it could be and it might not be.

MR. GOODELL: Well, one of the concerns that a number of us have is that to the extent the report deals with investigating the inmate death caused by other inmates or criminal

behavior, the very process of doing that investigation and getting the information may require on the cooperation and testimony of other inmates. And so the concern is that if you publish a report that fully discloses all the inmates that cooperated in that investigation and everything they said, they will be the next targets. And as a result, it will be nearly impossible for our Corrections to fully and accurately investigate an inmate death. And of course if they can't accurately investigate an inmate death, the likelihood that the perpetrators will be caught and punished is reduced and the likelihood of more deaths is increased. So if our focus is on protecting inmates, don't we want to ensure a high level of confidentiality in these investigations?

MR. WEPRIN: Well, it's basically -- they're supposed to determine the cause of death. They don't have to cite specific names. I would think that a redaction for that reason, for security reasons of a particular name of an inmate would -- would be appropriate, but not the circumstances of the death, the cause of the death. It could -- it could indicate a number of inmates involved, but it doesn't necessarily have to list the names.

MR. GOODELL: So you would be satisfied then with a report that's one page that says the following inmates died this year?

MR. WEPRIN: Well, more than that. They would have to determine how they died and what was the circumstances of that death. I've seen these redacted reports. Basically you can't determine anything from them. I'm not saying they have to give me

the names of other inmates that have cooperated, but you can say that there was an altercation involving a number of inmates, you know, and it resulted in, you know, someone dying in -- in -- in a fight or something along those lines, but that's information leading to the cause of death. And I'm not asking you to give me the names of every individual, but the way they do it, they just automatically redact everything except the name.

MR. GOODELL: As you know we deal with confidential information, for example, in our ethics committees and in those situations the law is very, very clear that if anyone; staff member or Assemblyman breaches confidentiality it's a crime, it's a misdemeanor. Does this bill require any confidentiality on the part of anyone receiving this report to ensure its confidentiality?

MR. WEPRIN: It would be the current law that would apply as far as confidentiality for the example of, you know, HIPAA records, certain mental health records, medical issues that are already covered under law, existing law as -- as confidentiality so those same laws would apply.

MR. GOODELL: But the report itself, this law would provide that those medical records could be redacted so that wouldn't be included in the reports. So my question is, is there anything in this bill that would require the report called for by this bill to be kept confidential?

MR. WEPRIN: Well, apparently there still is a situation where anything that would be governed under the Ethic Law

about releasing is already redacted. So what I'm just -- we're trying to determine in this legislation is not to change existing laws of confidentiality. Those would still be in place. We're just talking about information that would lead a reasonable person to determine the cause of death of that particular inmate.

MR. GOODELL: Now this report would be sent to the Governor, right? Who else?

MR. WEPRIN: The Chair of the Assembly --

MR. GOODELL: Chair of the Assembly Committee on Corrections.

MR. WEPRIN: -- Corrections Committee and the counterpart in the Senate.

MR. GOODELL: And this is a formal public report, correct? I mean it's an official report.

MR. WEPRIN: I've been told by counsel it's not a public document. It's still a confidential report to the Chairs and the Governor.

MR. GOODELL: So what section of FOIL would this be covered under in terms of its exemption? Because I'm not aware of any section of FOIL that would allow a formal report to be confidential, unless otherwise specified either under the Public Officers Law or in the law itself that created the report.

MR. WEPRIN: I would imagine it's probably FOILable, but it still goes down to the determination of what the cause of death is.

MR. GOODELL: Thank you very much, Mr. Weprin. I appreciate your comments.

On the bill, Madam Speaker.

ACTING SPEAKER ROZIC: On the bill.

MR. GOODELL: When an inmate dies in prison, it is certainly appropriate to do a full and comprehensive analysis of why the inmate died. And I agree with my colleague that that information should be shared with us, the Legislature, so that we can take appropriate action, as necessary, to ensure the maximum safety of inmates who are in our jails and in our prisons. The problem is that when an inmate is killed as a result of an assault or a murder, we also want to have the maximum ability to identify who the assailant was and to take appropriate steps to make sure there aren't more murders in that facility. And so if we have a public report that's subject to FOIL that outlines all the testimony of all the inmates that happened to cooperate in this investigation and you're dealing with a gang-related assault or a death, their very cooperation as outlined in this report could be their death sentence. And the net effect is that we make our prisons much more dangerous. I would be supportive of this bill if it contained a clause that made the report itself strictly confidential as we do with other reports punishable by a misdemeanor if it's improperly disclosed. That is the way we protect the inmates from further violence while encouraging them to cooperate. But without that confidentiality, this bill will result in more inmates being attacked and killed if other inmates believe they've been cooperating in an

investigation. For that reason I won't be supporting this bill and I urge my colleagues not to support it as well. Thank you, Madam Speaker, and again, thank you to my colleague.

ACTING SPEAKER ROZIC: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER ROZIC: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Blake to explain his vote.

MR. BLAKE: Thank you, Madam Speaker. First, I want to thank the sponsor on this bill. It is absolutely critical and necessary for many reasons. Colleagues, you may recall that last year we were able to pass a bill on both sides of our Chamber because we weren't getting information as relates to autopsies and it's important to know the -- the cause of a death as well. We go back to a story that came on the *Daily News* last November where it was stated about 50 inmates over the last five years could have potentially still been alive if they had simple medical treatment. You go back to the story earlier this year at the Greene Correctional Facility where Anthony Myrie, a 24-year-old, was not really clear why he had a sudden cardiac arrest. And so it's absolutely critical for us to understand what is going on when someone is within our facilities and make sure we're protecting them in that way. I'm proud to co-sponsor this -- this legislation. I thank the sponsor for working on this. I thank also our senator on the other side as well, but in the space of transparency, we should always



know what's going on for someone that's in a facility, especially when it comes to someone losing their life. I proudly support this bill and will be voting in the affirmative. Thank you everyone.

ACTING SPEAKER ROZIC: Mr. Blake in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. I want to commend the sponsor for considering to put this piece of legislation in. It's -- a report is not helpful to a family, to a system that's trying to correct itself or to anyone if all of the information has been redacted. While based on the conversation that we've heard here today, I think it probably is important to redact certain people's names, but the processes and procedures that they went through to take this life, that's information that could be helpful to ensuring that these institutions are making recommendations on how not to allow these things to happen again.

The other thing I will say, Madam Speaker, is that all inmates are people, too. And they deserve the exact same justice that we all deserve. If this is an opportunity to determine that facility X, Y, Z could have done a better job at protecting this inmate's life or that the medical care that this inmate had been given, they could've been given a different prescription, those are the kind of things that we need to know so that we can make proper corrections. These are, again, our people and they deserve our protection as well as any other citizen in the State of New York. So with that, Madam Speaker, I will be voting

in favor of this and encourage my colleagues to do likewise.

ACTING SPEAKER ROZIC: Mrs. Peoples-Stokes in the affirmative.

Mr. Weprin to explain his vote.

MR. WEPRIN: Yes. I have no doubt that the Department of Corrections and community supervision will not release unnecessarily the names of individuals that could endanger the system. I want you to know I get hundreds of letters all the time from inmates' families and in the incidents where deaths have occurred and no one knows what happened and the family does not know, they're entitled to that information. And if we get a report that does not deal with the cause of death, I'm not asking for the names of the individuals involved in the cause of death if there were other individuals, but there should be a basic understanding for the security of the system and for making our correctional institutions safe. If there's no understanding and their death occurring in institutions and no one knows how they occurred, that is a dangerous situation and something that had to be dealt with. So I withdraw my request and strongly vote in the affirmative.

ACTING SPEAKER ROZIC: Mr. Weprin in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, could you please call on Mr. Otis for an announcement?

ACTING SPEAKER ROZIC: Mr. Otis for an announcement.

MR. OTIS: Immediately following Session, we will rest for a bit and then there'll be a Democratic Conference at 7:00 p.m. in the Speaker's Conference Room.

ACTING SPEAKER ROZIC: Mrs. Peoples-Stokes. Democratic Conference, 7:00 p.m., Speaker's Conference Room.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, could you call on Mr. Crouch for an announcement?

ACTING SPEAKER ROZIC: Mr. Crouch for an announcement.

MR. CROUCH: Thank you, Madam Speaker. We will not be resting. There will be an immediate Republican Conference in the Parlor members-only, members-only.

ACTING SPEAKER ROZIC: Immediate Republican Conference in the Parlor.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, do we have any housekeeping or further resolutions?

ACTING SPEAKER ROZIC: We have many fine resolutions which we will take up all at once.

All those in favor say aye; opposed. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 231 and 232 were unanimously adopted.)

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned and to return at the call of the Speaker.

ACTING SPEAKER ROZIC: The Assembly is adjourned.

(Whereupon, at 3:28 p.m., the House stood adjourned until the call of the Speaker.)