

TUESDAY, APRIL 9, 2019

2:59 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

Imam Mohammad Fayek Uddin will offer a prayer.

IMAM MOHAMMAD FAYEK UDDIN: (Speaking foreign language) Peace upon you. (Speaking foreign language). Before we start praying invocation, I would like to recite some verses from Holy Book. (Speaking foreign language). Meaning on this verse is all people, you are created from one man and woman. I created among you king and tribes so that you can express your identities, but inside of Almighty, among you those who are fighting, there are most acceptable person. And another verse is Almighty Allah says, (speaking foreign language), you are the one nation, one people. There's no different between white and black, because your Creator is

one. We invoke the Almighty, *Allah subhanahu wa ta'ala*, provide us the prosperities and bless this country, and bless all of us, especially those who are serving for our nation, for this country's United States of America, *Allahumma Ameen*. O Allah, please accept (inaudible) of those who participated this invocation, and those who are working to provide the service, peace and tranquilities and provide the rise of the people of our nation. O Allah, please make secure our land, our people, and those who working here, heart and soul, and providing their service for our nation, for the peace and tranquilities. O Allah, accept our invocation, accept those who are working here. *Amen*.
(Speaking foreign language)

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 Monday, April 8th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to dispense with the further reading of the Journal of Monday, April the 8th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for an opportunity to share our daily quote. It is from none other than our own Secretary of Ways and Means, Mr. Blake Washington. And Blake says, "If you catch a tiger by its tail, have a plan for its teeth." Thank you, Mr. Washington.

(Laughter/Applause)

Mr. Speaker, the members do have on their desks an A-Calendar. After any introductions and/or housekeeping, we will take up resolutions from the main Calendar. We already held the Rules and Ways Committee, so I want to advance an A-Calendar. We will also be calling --

ACTING SPEAKER AUBRY: On Mrs. Peoples-Stokes' motion, the A-Calendar is advanced.

MRS. PEOPLES-STOKES: We will also be calling for an Insurance Committee meeting off the floor and our principal work for the day will be taking up the Assembly's Crime Victims Package, consisting of bills from both the main and the A-Calendars. For our Majority members, we should be cognizant that there will be a need for a Democratic Conference at the conclusion of Session and, as always, we'll check with our colleagues on the other side of the aisle to check with their needs, as well. With that as a general outline, Mr. Speaker, if there are any introductions and/or housekeeping, now would be a perfect time.

ACTING SPEAKER AUBRY: Certainly, we have introductions.

First, Mr. Michael Miller.

MR. M. MILLER: Thank you, Mr. Speaker. I'd like to introduce our Imam today, Fayek Uddin, from the Islamic Center of Jackson Heights. He has a Masters in Islamic Law from Islamic University, Bangladesh; served as a Professor from 1993 to 2000 at Jatrabari Islamic University; 2001 to 2003 served as Imam at Jamia Masjid Woodside, New York; 2003 to '11 at the Jackson Heights Islamic Center, and now at the Islamic Center of Jackson Heights, Masjid Abu Huraria.

In addition to that and on behalf of my colleagues, Mike DenDekker, David Weprin, Charles Fall, Mr. Carroll, Walker, Dickens and Malliotakis, I'd like to introduce the Bangladeshi-American Advocacy Group. Are they here? Stand up. Thank you. This is their 8th Annual Bangladeshi-American Advocacy Day, coming up to advocate on issues that affect the Bangladesh community. I would like to, if I can, introduce Kamal Bhuiyan - Kamal - Joynal Abedin, Shabul Uddin, Mohammad Rahim, Abdul Sattar, Jahangir Kabir, Shahana Masum, Dilruba Chowdhury, Selina Akther, Abu Toher. They're also joined today by CAIR-NY, and Majlis Ash Shura. And so if you can, please extend to them the cordialities of the House. Thank you.

ACTING SPEAKER AUBRY: Certainly. First, on behalf of Mr. Miller, the Speaker and all the members, Imam, we welcome you here to the New York State Assembly. Thank you for bringing prayer. We hope that you will travel safely home.

To the distinguished members of the Bangladeshi community, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Thank you for coming and sharing this day with us. We hope that it has been beneficial and that you have enjoyed your time here in the People's House. Thank you so very much. Please continue to come.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to interrupt our proceedings to announce a very special group of young people who are here with us in the Chambers from the great City of Buffalo.

First, we have the Breaking Barriers from My Brother's Keeper Initiative. Mr. Speaker, you will remember when we traveled the State helping to set up the initiative that was created by former President Barack Obama, well, in the City of Buffalo, My Brother's Keeper Initiative is going very strong. So, we have Tommy McClam and Daniel Robertson who are the managers of these great group of young men. They have with them nine young men out of a group of 70 young men who wrote the best essays to be able to attend today's Session. This youth leadership council is a group of young men of color. They're all between the ages of 12 and 24 and they're creating a unified voice that advocates for racial equity, social justice and policy changes. Mr. Speaker, if you would honor them by welcoming them to our Chambers.

And, secondly, we have the Buffalo Center for Arts and Technology, which is a nationally-recognized arts and training center founded in 1969 by Bill Strickland. Many may know Mr. Strickland is from Pittsburgh. BCAT provides for a resilient learners' needing targeted support for educational and career-centered opportunities in an environment of hope and discovery. These young people have been engaged in this initiative for a number of years. I've had the honor and the pleasure to have been taped by them for productions that they've made, and they're wonderful citizens in the City of Buffalo and I would ask that you would honor them while they're here on the floor of the Legislature.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, the Speaker and all the members, we welcome these distinguished Buffalonians here to the New York State Assembly. We extend to you, gentlemen and ladies, the privileges of the floor. We hope that you enjoy this day, commend you for the work that you're doing with yourselves and enhancing your communities. Please continue that great work. You are always welcome here. Thank you so very much.

(Applause)

Mr. Schmitt.

MR. SCHMITT: Thank you, Mr. Speaker. Thank you for allowing me to rise and interrupt the proceedings for an introduction. Today we are joined by the New Windsor Police Department from the beautiful 99th Assembly District - stand up guys

and gals. Representing the New Windsor Police Department is Chief Robert Doss and his son, Robert Doss; Deputy Chief Michael Farbent; Lieutenant Dan Valeri; Lieutenant Fred Fayo; Detective Sergeant Chris Sager; and this name might sound familiar to you, but Officer Hannah Schmitt, who happens to be my sister, as well. We have also Chief Administrative Assistant Michelle Burbank and her daughters, Daniella and Jacqueline.

The Department was formed in 1763. Since then, it has grown from a volunteer constable organization to a full-time department, one of the largest in my county. They currently have 49 full-time officers and 21 support staff. Numerous accreditations, too many to fully list here, but their accomplishments and high regard in the community has earned them a proclamation from me and the New York State Assembly today. They got to see the inner workings of government and I would like for you to provide them all the privileges and honors of the floor for the great work they do for our community in New Windsor.

ACTING SPEAKER AUBRY: Certainly. On behalf of Assemblyman Schmitt, the Speaker and all the members, we welcome you here to the New York State Assembly, commend you on the work that you do in keeping your community safe. We hope that this time has been beneficial to you. We hope that you will always know that you can come back here and that you will stay safe as you keep us safe. Thank you so very much, and, sis, you know, you're family so you are always allowed to come, no matter what your

brother says. Thank you so very much.

(Applause)

Ms. Buttenschon.

MS. BUTTENSCHON: Mr. Speaker, thank you for the opportunity to interrupt our proceedings to introduce a group of students from the Utica Academy of Science. It's located in Frankfort, New York. Here with us today, we have the students and their Affair Officer, Ms. Hanka Grabovica, and many sophomore students - Savannah, Brianna, Emily, Aleah, Adelina, Leah, Delhana, Leah, Gabriella, Adelina and Tavina. The Utica Academy of Science Charter School will provide and does continue to provide challenges and opportunities for students that instill the necessary skills and knowledge in math, science and technology, to empower their students and prepare them for the college settings. So, if I could ask that you would provide all of the cordialities of our House and welcome them. Thank you.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Buttenschon, the Speaker and all the members, we welcome this distinguished group of young ladies here to the New York State Assembly, extend to you the privileges of the floor, commend you on your interest in science. Clearly, the field of science will be enhanced as you proceed. We hope that you continue to pursue that all the way to the top. Thank you so very much, and know that you are always welcome here. Thank you.

(Applause)

Ms. Woerner.

MS. WOERNER: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings for an introduction. We are joined in the balcony by some members of the home school community, Loving Education at Home. They come to visit us every year. They -- they come as -- as I think a bit of a field trip to learn how government works and to meet with their representatives. And it is always a pleasure to see them. Home school education is a key part of our education continuum here. It's great to see all the young people who are making their way through the educational system by being taught by parents and family members. And so I hope, Mr. Speaker, that you will offer them the cordialities of the House.

ACTING SPEAKER AUBRY: Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. Ditto. We had the same -- I appreciate the opportunity to rise and welcome the 300 awesome people that came to our Chamber today to learn about how government works, or sometimes miscommunicates and has the same introduction on the same day, but you get introduced twice, that is a lucky day in the New York State Assembly Chamber. So, thank you for pausing and allowing me to also introduce our awesome home school group that came to the Chamber today. I ask that you extend the cordialities of this House and the privileges of the floor to this illustrious group.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Woerner, Mr. Walczyk, the Speaker and all the members, we

welcome you here to the New York State Assembly. They are in the Gallery, they're up in the Balcony. We commend you for your interest in education. Thank you for participating in a day in Albany. Please continue that work. Please continue to bring your message to us. And I thought Mr. Walczyk was going to have the singular opportunity to have a one-word introduction, but he's still a politician.

(Laughter)

Thank you so very much, we welcome you.

(Applause)

Resolutions on page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 266, Mrs. Gunther. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim April 14-20, 2019, as Osteopathic Medicine Week in the State of New York, in conjunction with the observance of National Osteopathic Medicine Week.

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

THE CLERK: Assembly Resolution No. 267, Mr. Palmesano. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim April 2019, as Organ and Tissue Donor Awareness Month in the State of New York, in conjunction with the observance of National Donate Life Month.

ACTING SPEAKER AUBRY: Mr. Palmesano on the resolution.

MR. PALMESANO: Thank you, Mr. Speaker and my colleagues. It's a privilege to rise to speak on this resolution. To our newer members who are joining us, this is a resolution we -- we introduce every year to proclaim April as Organ and Tissue Donor Awareness Month, in conjunction with Donate Life. It's been a privilege for myself to work with my friend and colleague, Assemblyman Ortiz, since 2013 on this resolution. But for our newer members, from 1992 to 2012 our former colleague and friend, Jim Conte, used to introduce and lead this resolution on the floor.

For those of you that didn't know Jim Conte, Jim was a two-time kidney transplant recipient, a great human being and a staunch and tireless advocate to promote organ donation and awareness. Jim Conte sat right here where Mr. Ra's sitting, where Mr. Goodell sits. Not only was Mr. Conte our Floor Leader, but he was the heart and soul of our Conference. Unfortunately, we lost Jim and he passed away in October of 2012. And although his passing left a hole in the heart of our Conference and in this Chamber, his memory and mission to promote organ donation awareness lives on.

That's why, Mr. Speaker and my colleagues, it's incumbent upon each and every one of us to carry on this mission and this message, because it literally saves lives and improves the quality of lives who benefit from it. When Jim used to speak on this issue, he spoke with emotion, passion and on facts. Let me share with you some of the facts, staggering facts and discouraging facts, to say the least.

Right now in New York, we have nearly 9,500 New Yorkers waiting for an organ transplant. We have nearly 1,700 New Yorkers who have been waiting for at least five years. We have 52 registries across this country, 52. New York is number 51 out of 52, only ahead of Puerto Rico. We have the third highest need for organs, but the second lowest rate of donation. The national average for organ donation across this country is 55 -- 55 percent. The State of Montana is number one at 92 percent, but New York is 51 at 30 percent. In 2017, we lost nearly 450 men, women and children waiting for a life-saving organ transplant. My colleagues, that's unacceptable and we can and must do better.

But there's good news. Do you know, one person who donates at the time of their death can save up to eight lives and impact up to 75 others. Let me just say that again: One person who donates at the time of their death can save up to eight lives and impact up to 75 others. You know, this issue is very personal to many of us in this Chamber who serve here, but also have served. Our former -- a former member, Bill Hoyt, died on the Assembly Floor waiting for a heart transplant. Nobody knew that until that day. Mr. Conte and our former colleague, Assemblyman Sam Hoyt, worked on organ donation legislation and -- and awareness after that. Our former colleague, Assemblyman Richard Brodsky, his daughter, Willie, received a kidney from his wife. He became and is still a great proponent of organ donation. My friend and colleague, Mr. Ortiz, will be speaking shortly to share some of his personal side. Our colleague, Mr.

Goodell, his daughter donated a kidney to a high school classmate. Our colleague, Mr. Fitzpatrick, his staff person donated a kidney to a total stranger, and I know our distinguished Majority Leader has personal experiences in organ donation, and this issue has impacted her and her family.

Mr. Speaker and my colleagues, for me personally, this issue is about my sister. My sister Theresa was a juvenile diabetic and a two-time organ transplant recipient, first in 2000 from the kindness of a stranger, second in 2006, I had the privilege to donate a kidney to her. It helped me see firsthand how organ donation can impact a family's life and their quality of life. Unfortunately, in 2013, we lost my sister, Theresa, from the complications to Juvenile Diabetes and what that did to her body.

You know, Mr. Speaker and my colleagues, I know sometimes when we talk about this issue, a lot of people don't want to think about it because you're dealing -- you're thinking of one's own death. And I understand that, but I also want to just say why this is important, because you never know when one of your loved ones might be in need of a life-saving organ transplant, your mom or your dad, your husband or your wife, a brother or a sister or, God forbid, your son or daughter. And when you think about that, remember, one person who donates at the time of their death can save up to eight lives and impact up to 75 others.

I don't want to say that we haven't made progress, we've made tremendous progress in this Chamber over the years.

When I talked about this issue a few years ago, I wasn't talking about a 30 percent organ donation rate, I was talking about a 23 percent rate. When I was talking -- I wasn't talking about 9,500 New Yorkers on the wait list, I was talking about over 10,000 New Yorkers on the wait list. So, we have made progress with legislation that Mr. Ortiz and Mr. Conte introduced for Lauren's Law so now when you get your license, or renew your license, you can sign up to be an organ donor. Lauren's Law was named after Lauren Shields, a heroic 12-year-old little girl who had a heart transplant -- transplant and became the fiercest advocate for the issue of organ donation. She lent her name and her face to this issue. A few years ago, we passed legislation allowing 16- and 17-year-olds to register their intent to be an organ donor. Also, we've made tremendous progress. Now, we have an online registry where any one of us can go online and answer a few questions and, just like that, become an organ donor.

You ask what else can I do? Listen, first, if you're not an organ donor right now, please, register, to be an organ donor. Second, talk to your family and friends, use your office, use the bully pulpit you have to reach out to your community to promote organ donation and awareness. Use your social media, Facebook, Twitter, and your -- we've given you some information and we sent some information around to you on this issue. Hopefully you can use it.

You know, we pass a lot of good bills in this House, some good, some not so good, but this is about saving lives and we can and must do better. And when I talk about Jim Conte, I know

individually none of us are going to do what Jim Conte did individually, but together collectively, we can do it all, we can do so much more. So, please, let's work together and let's save lives. Thank you, Mr. Speaker, and I apologize --

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Ortiz.

MR. ORTIZ: Thank you, Mr. Speaker. I also would like to thank the Assemblyman for his passion and compassion about this important issue of organ donation. When I first got elected to the Assembly and I came to get my office, my office happened to be on the fourth floor and happened to be next to Assemblyman - Rest in Peace - Richard [sic] Conte, and he came to my office to say hello to me and to welcome me to the Assembly. And when I saw Richard [sic] and I saw his last name be Conte, so I thought that he was Hispanic, and he said, *No, I'm Italian*. And he and I became to have a big bond because he asked me -- the first question he asked me is what is your priority here, what are your major issues. And I said one of my major issues will be probably to talk about organ transplant. And he said how come, and I said because my mom received a kidney transplant from my sister and -- back in 1983. And that was because, you know, it was mentioned about Puerto Rico, Puerto Rico, a lack of services about organ transplant is something that was not benefitting my mother who developed kidney issues in a very early age of her life, when she was 23 years old. So, therefore, when I came to the United States to study, I brought her with me. So, we were blessed and lucky

to find a wonderful doctor at Downstate Medical Center in Brooklyn where she was treated and she quickly came on the rescue to -- from this doctor to ask one of the first things I would like to do is to bring all the siblings together, do an analysis and a test to see who or which one of you will qualify to donate the kidney before we can go outside. And for the grace of God, my sister and my other brother was the one that qualified. So, my sister who pronto came to the rescue, say to my mom, *I'm willing to step to the plate and give you the life that you deserve because you had give me already a life that I can continue to move forward with.*

So, the transplant took place and like anyone, every one of us who probably will find themselves in this situation will ask a question, how hard that will be for me to give my kidney, my organ to one of my relative or one of my family members or one of my friends. We all ask the same question. We was scared, we was afraid. We was completely on the black, we closed down. But when we got all the information that was needed for us to understand the procedures and the process, then we got a big relief and we thought that this was the right thing to do. So we let our young sister to move forward. And I say -- I tell you my story because a lot of people that I talk to about organ donation sometime they feel very afraid and they feel that they are going to have a negative impact in their future life, and it doesn't. It's the opposite. We will have a better life for you because you're giving somebody else a precious life to continue to have. It gives somebody else a precious life to make sure that they can take

care of their grandmother, their mother, the grandchildren and so on, so forth.

Mr. Speaker, it was mentioned a couple of members that kind of had come through this Assembly. Recently, we have a former Speaker, Mel Miller, who passed away as a result of waiting for a kidney transplant. Secondly, we have a great friend who was the Chair of the Education Committee under Angelo Del Toro, who happened to die in 1994, November of 1994 when I came -- when I got elected to the Assembly.

So, Mr. Speaker, this issue has been an issue that I not only have a lot of passion for, but an issue that is a personal one and one that I do understand and one that I do hope that every single member in this Chamber will take this back to your neighborhood, to your community, to your church, to the synagogue and so on, and to make sure you can have a conversation with health professionals to explain to your constituents the importances and the need on how we can preserve somebody's life.

Lastly, Mr. Speaker, I would like to say that - and I always speak about my family - you know, my son has already three different pacemakers. He had a pacemaker since he was five years old, and he is in transition for another pacemaker. Well, his heart condition is very complex. They cannot put a defibrillator on him because it will be very risky so, therefore, he has to be on the list for a heart transplant.

So, this is things that is in our own homes that we

should be talking about it, and for those of you who have been blessed to have no one in your family or no relative, but you might know somebody, I would encourage you to help us and help yourself and helping your state to become one of the finest states in organ donation. And I will vote in the affirmative, Mr. Speaker. Thank you very much.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes on the resolution.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I want to honor Mr. Palmesano and certainly Mr. Ortiz, as well, for their persistent advocacy on this topic of organ donation. I really appreciate the way Mr. Palmesano laid out all of the connections that we have as a legislative House to members who have experienced either the need to donate or receive a transplant.

This is an issue that is critically important.

Ninety-five percent of Americans actually support and understand the need for organ donation, but only, Mr. Speaker, 54 percent of them are willing to sign on the back of their license or other documents to say that their organs can be donated. And so I think the advocacy that these two gentlemen have called for is something that we can all begin to take a part of. My daughter, Mr. Speaker, was on the list for a transplant for six years before, thank God, she received one October the 11th of 2018, for which we are all grateful. And, by the way, Mr. Speaker, I think it's important for people to know that even though God had us born with two kidneys, we only need one to survive, and

so, that is one of the organs that can be donated while we're living. Mind you, you have to be screened and you have to pass every health credential and be in perfect health condition. I was turned down to be a donor for my daughter; many people in my family were turned down. But finally, there was someone who was able to be that donor and today she's back at work living a good life.

And so, it's important that we make sure that folks understand the value of being an organ donator and/or if you don't want to donate while you're living, it's an easy thing to put it on your license, and should something happen to you -- well, something is going to happen to us all, the Bible does tell us that as soon as you're born that you begin to die, so it's either sooner or later. So, there is an opportunity while you're alive to become an organ donor.

And so, I honor the fact that this country celebrates this as a national month. We celebrate it as a national day and I think that in doing so, hopefully it will encourage more people to want to be a donor. Everyone that needs a transplant is depending upon someone else's personal decision to become an organ donor. And I hope that we have a room full of people who are willing to make that personal decision to become an organ donor. With that, Mr. Speaker, thank you for the opportunity to speak.

ACTING SPEAKER AUBRY: Thank you.

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

THE CLERK: Assembly Resolution No. 268, Mr.

Brabenec. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim April 2019, as Pet Cruelty Awareness Month in the State of New York, in conjunction with the observance of National Animal Cruelty Awareness Month.

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

THE CLERK: Assembly Resolution No. 269, Mr. McDonald. Legislative Resolution memorialize -- recognizing Friday, October 25, 2019, as Real Kids Wear Pink Day, and paying special tribute to Carli O'Hara, founder of this vital campaign.

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

We will now do resolution on the A-Calendar, page number 3, No. 274.

THE CLERK: Assembly Resolution No. 274, Mr. Santabarbara. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim April 2019, as Autism Awareness Month 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.

Mr. McDonald for the purposes of a [sic] introduction.

MR. GOODELL: Thank you very much, Mr. Speaker. I defer to Mr. McDonald for an introduction.

ACTING SPEAKER AUBRY: That would be a good idea.

Mr. McDonald for the purposes of a [sic] introduction.

MR. MCDONALD: Thank you, Mr. Goodell, and thank you, Mr. Speaker, for allowing me to interrupt the proceedings today. Today I present to you a group of students from Cohoes Middle School that are here to commemorate and recognize October 25, 2019 as Real Kids Wear Pink Day, as we just passed this resolution. I specially want to recognize the founder of the campaign, Carli O'Hara, and her two cohorts, Carissa Shanahan and Ava Hotaling. Carli, who founded this campaign, watched her father participate in the Real Men Wear Pink Campaign to raise awareness and funds for the American Cancer Society's fight against Breast Cancer. Carli came up with the idea that real kids can wear pink, and that's why we have Real Kids Wear Pink Day. That started in my hometown of Cohoes and is now spreading throughout many school districts throughout our region and soon, throughout our State. Her inspiration by her father, but also her grandmother, who is a breast cancer survivor, is a driving force. And her actions, along with Ava and Carissa, have brought other kids together so they can make a difference in the fight against breast cancer.

Mr. Speaker, I think you would agree we can all learn

a lesson from the students at Cohoes Middle School. The Real Kids Wear Pink Campaign continues to bring kids across our region together to raise awareness about breast cancer and sends the message that you are never too young to make a difference. Mr. Speaker, if you can welcome these young ladies to the House, we'd appreciate it.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. McDonald, the Speaker and all the members, we commend you on the work that you're doing. We extend to you the privileges of the floor and for all of those in this State who have been affected by the cancer, we know that they are grateful and that your work will make their lives better. I say that on behalf of a dear friend who passed away with breast cancer. So, thank you so very much and we are always in your debt.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: We have one more introduction, Mr. Speaker, my apologies.

ACTING SPEAKER AUBRY: Mr. Goodell, we have arrived at that time.

MR. GOODELL: Thank you, and great introduction by our colleague. Not only do real kids wear pink, but real adults do, too. Thank you very much for that introduction. I have a special opportunity to welcome to our Chamber one of the newest sexagenarians. A sexagenarian, as you know, is a person who just turned 60 and if you'll celebrate that special occasion in honoring Mr.

Miller, Assemblyman Miller, who has now joined that elite club of those of us who are over 60. Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Goodell, the Speaker and all the members, Mr. Miller, welcome to the pool. It's kind and it's cold. Thank you so very much. We're happy to have you here.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can begin our work for the day, we're going to start on the main Calendar on page 10 with Calendar No. 113. This legislation is by Mr. Englebright. And then after that, Mr. Speaker, we're going to stay on the main Calendar and go to page 12, Calendar No. 147 by Ms. Paulin.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A04054, Calendar No. 113, Englebright. An act to amend the General Business Law and the Executive Law, in relation to the disposition of certain fines.

ACTING SPEAKER AUBRY: On a motion by Mr. Englebright, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take on the 60th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, it took us a minute to get here. We've had some wonderful guests in our Chambers today, but this is our first of today. So, if members are in their seat, in and around the Chambers, please cast your vote. First vote of the day.

ACTING SPEAKER AUBRY: More than a minute, Mrs. Peoples-Stokes. First vote of the day, please. If you're in the sound of our voice, please come to the Chamber and vote. If you are in your seats, please vote now.

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. Could you please call the Insurance Committee to the Speaker's Conference Room? Mr. Cahill is ready.

ACTING SPEAKER AUBRY: Insurance, Speaker's Conference Room, Mr. Cahill awaits you.

The Clerk will read.

THE CLERK: Assembly No. A00459-A, Calendar No. 147, Paulin, Mosley, M.G. Miller, Crouch, Gottfried. An act to amend the Executive Law and the Criminal Procedure Law, in relation to the definition of designated offender.

ACTING SPEAKER AUBRY: An explanation is

requested, Ms. Paulin. Ladies and gentlemen, we are on debate. Shh. Please break up the conferences. Take them -- ladies and gentlemen, we are on debate.

Proceed, Ms. Paulin. Thank you.

MS. PAULIN: Thank you very much, Mr. Speaker. This is a bill, we did it last year. The -- it allows sex trafficking victims to be exempted from paying and from participating in the DNA database.

ACTING SPEAKER AUBRY: Mr. Palumbo.

MR. PALUMBO: Thank you, Mr. Speaker. Would the sponsor yield for a few questions, please?

ACTING SPEAKER AUBRY: Ms. Paulin, will you yield?

MS. PAULIN: Absolutely.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. PALUMBO: Thank you, Ms. Paulin. Is this text of this bill, is it any different than the one we passed last year?

MS. PAULIN: No, I don't believe so.

MR. PALUMBO: Okay, good. And I think generally I've had some questions posed to me, as well, and some concerns regarding really the initial part of it, the second part as far as waiving the fees, certainly, I think we all would agree is appropriate. But regarding the first two sections where someone who is convicted of loitering for the purposes of engaging in prostitution, as well as convicted of prostitution generally. That doesn't necessarily have an

element of the individual being a victim of sex trafficking, does that?

MS. PAULIN: I would argue that it does, as I did argue the same thing last year. You know, sex trafficking victims are often loitering. That's what they do. And so, those are all crimes where you're going to uncover the same -- the same victims and unless we're all-encompassing, we're not going to capture those young women that we're trying to.

MR. PALUMBO: I understand. So, from a general theoretical standpoint, but do those -- does it require a specific finding that they were a victim of sex trafficking, or are we just essentially assuming that as a result of the -- the nature of those offenses?

MS. PAULIN: It does not require a finding of sex trafficking, no.

MR. PALUMBO: Okay, thank you. And that -- that's what leads me to Section 3, and that specifically requires a finding that the individual is a victim of sex trafficking regardless of which crime they're convicted of; is that accurate? Or, if not, please correct me.

MS. PAULIN: Well, it defines the -- it -- it is -- it's accurate in one sense in that, you know, the young people who have been defined as sex trafficking are now part of this as well, so it didn't -- we didn't leave them out. So, yes, we -- Part 3 or C - includes those -- those young people.

MR. PALUMBO: Now, can someone voluntarily become a part of the database in the event that they are, in fact,

convicted of these crimes? Would they choose to be in the -- to the extent that in some circumstances, someone who is a victim of sex trafficking may also want more -- their information and their identification to be in the database because there may be other crimes or situations where their evidence was left at a particular crime scene, yet, they're afraid to disclose that in the event of retaliation from the person who is under their -- whose control they're under?

MS. PAULIN: I don't -- I don't know that DNA database is optional to anybody. I mean, I guess anybody could say, *Oh, I want to be in there because I might've been at a crime scene*, I just don't see that happening. But it certainly doesn't preclude someone from opting in. You could opt in, I could opt in, I don't know that the law says we can't, but -- but it -- you know, but it specifically says that they are exempted from that requirement.

MR. PALUMBO: Okay. Thank you, Ms. Paulin.

On the bill, please, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. PALUMBO: Thank you, Mr. Speaker. And I know we discussed this last year, that this is -- this could be somewhat counterintuitive to the ultimate goals of this particular legislation that someone who could be, of course, under the thumb of a sex trafficker and they could be that victim, in the event there is a finding, the fact that they're not included in the database could ultimately lead us to -- or exclude us or prevent us from finding out further information about this individual, to the extent that we could probably solve other crimes

or, in fact, even get further up stream, so-to-speak, in the sex trafficking ring.

So although I have voted for this legislation before and I will this year, I would just ask that we really consider those specifics, that in the event that someone may want to voluntarily be involved in the DNA database, that it might actually be productive in order to ultimately prevent and further deter sex trafficking. Thank you, Mr. Speaker.

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.)

Mr. Goodell to explain his vote.

MR. GOODELL: Thank you, Mr. Speaker. When DNA is taken from someone who has been convicted of a crime, that DNA can be used for a number of purposes, including protecting that person or helping identify that person subsequently. So, when a person is arrested and convicted for prostitution, we know that that occupation is inherently dangerous. People are routinely getting into the cars of strangers they've never met, and that DNA database can help identify a rapist or someone else who is preying on prostitutes or sex trafficking victims. They can get the DNA from under their fingernail or other ways. It can be used to help identify, unfortunately, a body.

So, DNA is not just a stigmatism for the person who is arrested, but it can also be used as a very valuable law enforcement tool to stop crimes against that class of people and, for that reason, I will be voting against this bill. Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

Mr. Palumbo to explain his vote.

MR. PALUMBO: Thank you, Mr. Speaker. As I sit here contemplating this bill, a very significant concern just came to mind, that in the event someone who is a victim of sex trafficking is not in the DNA database and then, for example, they are brought into a sex trafficking ring in another state or even another country, they will have been identified as a victim of sex trafficking in New York; yet, now in another state, say, on the West Coast somewhere, they are being charged and prosecuted for crimes and no one has any knowledge that that person was, in fact, a victim of sex trafficking. So, again, I think that as I sit here thinking about this, I'm going to withdraw my request and I'm actually going to vote in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Palumbo withdraws his request and votes in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. It is my great opportunity, having previously introduced somebody who joined that select group of sexagenarians, to introduce today the youngest town supervisor in the State of New York. On behalf of our colleague, Assemblyman Mark Walczyk, I want to introduce Alexander Hammond. At age 23, he is the Supervisor -- the Town Supervisor and proudly represents the Town of Waddington, which is, as you know, in the Adirondacks and in the front yard of America. So, if you would introduce a great, young town supervisor to our Chambers with a great future ahead of him, thank you so much, sir.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Walczyk, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. We hope that you are going to be successful in your -- your career. We welcome you to that career and, obviously, Mr. Walczyk is very happy to have you, share with you, he wore his special tie today. Thank you so very much.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could now move to the A-Calendar, we're going to take up Rules Report No. No. 55 by Ms. Simotas, which is on page 3. Following that, we'll do Rules Report No. 56, which is also on page 3, by Member Glick.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00794-B, Rules

Report No. 55, Simotas, Colton, Aubry, Englebright, Braunstein, DenDekker, Jaffee, Perry, Cook, Weprin, Santabarbara, Rozic, Hevesi, Quart, Lifton, Otis, Mosley, Fahy, Seawright, Taylor, Zebrowski. An act to amend the Penal Law, the Criminal Procedure Law, the Correction Law, the Social Services Law, the Vehicle and Traffic Law, the Family Court Act, the Civil Rights Law, the Civil Practice Law and Rules, the Agriculture and Markets Law, the Judiciary Law and the Domestic Relations Law, in relation to sex offenses; and to repeal certain provisions of the Penal Law relating thereto.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Simotas.

MS. SIMOTAS: This bill, better known as the "Rape is Rape" legislation, amends the Penal Code and several other sections of the law to do two things: First, it amends the law to redefine rape to include forced sexual intercourse and forced oral or anal sex. Second, the bill changes the penetration element that is currently needed to prove rape to a contact standard.

To give a brief history of this bill to my colleagues who are new to this Chamber, in 2013, a teacher by the name of Lydia Cuomo, who was forced to -- at gunpoint to engage in multiple acts of -- sexual acts came to Albany to tell her story. The criminal who violated her so brutally was acquitted of rape, but was convicted of several counts of criminal sexual act, which is currently defined in New York as forced oral or anal sex. Lydia talked with many of us

about her experience and utter disbelief that her attacker was acquitted of rape. Lydia explained that it's hard enough for survivors of these crimes to come to terms with what happened to them, and the last thing they need is for a prosecutor or a legislator to tell them that the trauma they -- that they experienced is not rape. As the law stands now, to prove rape in New York, a prosecutor needs to prove penetration between genitals. However, to prove criminal sexual act or forced oral or anal sex, a prosecutor only needs to prove contact between the mouth and anus and the genitals. This change would bring our law into compliance with Federal reporting standards. Since 2012, the FBI has been -- has defined all of these acts as rape, and so should New York.

Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Ms. Simotas?

MS. SIMOTAS: Yes, I yield.

MR. RA: Thank you. Thank you for that explanation. And I -- I think certainly the goal of -- of this bill is -- is a good one. And, you know, to take a situation like that particular instance where I think all of us would look at that as a -- as a crime of rape, a situation of rape, and unfortunately under our current laws that

was not a -- the verdict that was able to be returned in that case. But as we have discussed in the past, one of the issues that has been raised with regard to this bill from both the District Attorneys Association and some other groups is the implications of the People v. Alonzo decision, and whether by changing this definition and -- and really merging some of the other crimes that would be charged in these situations into the crime of rape, whether or not an offender would be able to be charged with multiple counts and be -- and have multiple or consecutive sentences imposed on them.

MS. SIMOTAS: The concerns about consecutive sentences are misplaced. As the law stands right now, sex offenders are regularly charged, tried and convicted of multiple counts of criminal sexual act and receive consecutive sentences. The convicted sex offender in Lydia's case certainly received consecutive sentences. All district attorneys need to do is make sure that they -- that they plead with specificity. And again, this is something that has been done by district attorneys since the start of the statute and, again, they've been -- in Lydia's case, the offender there got the consecutive sentences and it was never challenged. The Alonzo case, which was decided in 2011, actually occurred before Lydia's case which was prosecuted and the trial was held in 2012. And since that time, the Alonzo case has not been used to challenge consecutive sentences for charges of rape or a criminal sexual act.

MR. RA: Okay. So, under -- under the language of this bill and this new definition, then we would have for -- for rape if,

you know, an attack was -- was perpetuated on somebody and -- and there was, you know, contact with the genitals and then perhaps also, say, oral contact or anal contact, would -- is it our intention that -- that the DA would be able to charge multiple counts under those circumstances?

MS. SIMOTAS: They would be. And again, so long as the district attorney does their job and pleads with specificity, there should be no challenge at all.

MR. RA: Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Mr. Ra.

MR. RA: Thank you. Certainly, as I said earlier, this -- this situation, you know, in this particular case that this is meant to address and, you know, myself and most of our colleagues have supported this bill in the past with -- with the aim towards recognizing something that Federally perhaps is recognized as rape, something that we would think of as a rape situation and, unfortunately, that -- where a victim was not able to get that justice in -- in a court of law because of the penetration requirement that was -- that was in our existing law.

So, I -- I support this measure, but I -- I did want to make it clear that in the future if there are, you know, multiple acts, even though it may be part of an attack that is -- is one instance and maybe would be charged with multiple counts under current law, I think it remains our intention that the district attorney be able to come in and impose and -- and charge multiple counts to a defendant so that

they're -- they're able to be convicted of multiple counts and -- and have the harshest penalty possible for -- for committing such a terrible crime.

I'm going to be casting my vote in the affirmative.

Thank you.

ACTING SPEAKER AUBRY: Mr. Ra in the affirmative.

Ms. Simotas.

MS. SIMOTAS: I'd like to thank you for bringing up these questions, and I really just want to highlight my intent with respect to this bill. You know, for decades two different crimes, forced oral and anal sex, have been referenced together in a single section of the Penal Code. And this has not prevented district attorneys from seeking and obtaining consecutive sentences. They have been doing so since the statute was created, and they did so successfully in Lydia's case which inspired this bill. And there should be nothing in the Alonzo decision which, again, was decided before Lydia's case and before this legislation was put forward that should -- that should prevent prosecutors from getting consecutive sentences.

Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 1st, 2021.

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: Page 4, Rules Report No. 56, the Clerk will read.

THE CLERK: Assembly No. A02566, Rules Report No. 56, Glick, Jaffee, Perry, Gottfried, Aubry, M.G. Miller, Seawright, Colton, Otis, Weprin. An act to amend the Executive Law, in relation to eligibility of domestic partners for compensation from the Crime Victims' Board.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Glick.

MS. GLICK: The bill adds domestic partners to the Executive Law, which would add them to the Crime Victims' Compensation Board list of eligible individuals when their domestic partner is murdered.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Ms. Glick, will you yield?

MS. GLICK: Certainly.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Ms. Glick. I wanted to

see if I could get an understanding of what additional individuals would be eligible under this bill that aren't already eligible. And I -- I note that the bill defines a domestic partner with one of three criteria. One of them is a -- dependent or mutually interdependent on the other person for support. But it seems to me that that individual would already be covered under Section 2624 1(c) of the existing law. Would you agree?

MS. GLICK: Well, frankly, we want to ensure that it is clear that people who are in a committed relationship are more than just someone who is, for one reason or another, financially dependent on the murdered individual.

MR. GOODELL: But certainly in terms of defining a domestic partner, those individuals that already have that financial interdependence are already covered under existing law, correct?

MS. GLICK: Well, perhaps in your reading of it, but we identify domestic partners in law in several statutes already. One part of it is that they are financially interdependent, but we also say have a committed relationship. And so we want to make certain that that is not lost on the Crime Victims' Board.

MR. GOODELL: Okay. So -- so what this bill is really targeting, then, are domestic partners that aren't already covered under the law which covers any person -- any other person dependent for his principal support on the victim of the crime.

MS. GLICK: Well, I would simply say that we are indicating in this legislation that domestic partners are in a committed

relationship in much the same way that a spouse would be and that's the intention of the bill even if they, for any number of reasons, do not avail themselves of marriage. There could be any number of reasons. It could be two youngsters who are committed to one another, they live as domestic partners, they do not get married because of the religious beliefs of their families. It could be older folks who are heterosexual who choose to live as domestic partners, as my grandmother and Harry did, but did not avail themselves of marriage because they had grown children and individual families and did not choose to become married. If either my -- either one of them had been a victim of a murder, heaven forbid, I would hope that they -- the surviving domestic partner would be treated as a domestic partner by the Crime Victims' Board, and that's what this is intended to do.

MR. GOODELL: Thank you. As you know, Section 621 of the Executive Law in subparagraph 4 defines the term "family" not in terms of marriage, but includes specifically any person residing in the same household with the other person. So if you have domestic partners that are living together, and presumably they are, aren't they already covered within the definition under the current law as being part of the same family?

MS. GLICK: Well, there certainly are circumstances where, for any number of reasons, people may cohabit for a significant part of time but also retain their own households. That should not prevent them from being properly recognized by the Crime Victims' Board as domestic partners.

MR. GOODELL: So is it accurate, then, to say that the purpose of this legislation is to extend the benefits of the Crime Victims' Compensation program to domestic partners that are not already financially interrelated and do not live together?

MS. GLICK: Well --

MR. GOODELL: I mean, they're already -- in other words, those other two categories seem to me to be already covered, so is the real purpose of this to deal with domestic partners that don't live together, aren't --

MS. GLICK: No, let --

MR. GOODELL: -- aren't considered part of the family --

MS. GLICK: No, no.

MR. GOODELL: -- and aren't interrelated?

MS. GLICK: No. Let me just say that this is -- let me repeat that this is intended to treat domestic partners on the same footing as spouses. There are certainly circumstances in which spouses don't always live in the same household with each other. Sometimes people live apart for weeks at a time. Some of us may understand that they live apart from their family part of the year. So this is -- we don't ask spouses for some of those details, and we shouldn't ask domestic partners those questions either.

MR. GOODELL: Of course this bill was first introduced in the Assembly back in 2009, at a time when we had not passed the Marriage Equality Act where same-sex marriages were not

allowed. Now that we have passed the Marriage Equality Act, why do we need special provisions for those who choose not to get married? I mean, there's a lot of -- as you know, a lot of tax ramifications if you're a married couple, there's a lot of financial ramifications. There's a lot of advantages, and some will say disadvantages of being married, including the marriage penalty that applies on some tax issues. So, why do we want to extend the benefits of being married to a group of people who have the right to be married, but choose not to take advantage of both the benefits and the responsibilities or costs of that marriage relationship?

MS. GLICK: For the very same reason. Since most of the membership may not have been here after 9/11, this Body passed a bill specifically entitling domestic partners of the first responders who were killed in that vicious attack, many of whom had -- were, in fact, heterosexual and could have married, but for whatever reason didn't. And this Body recognized that for whatever reason, we should not penalize those domestic partners in the -- in providing them the benefits that were equally available to first responders who were married. So, this House has a --and, in fact, that passed both Houses and was signed into law. So, I would just simply say that this is a matter of treating -- you know, people's lives are very complicated, so we want to treat domestic partners as we do spouses because there are many reasons why people, for one reason or another, choose not to be married. I'm sometimes surprised by the number of people I've met around the State who are not married, are heterosexual and have

children together. One would think that in our society they would -- that would be the first thing they would do. Maybe not before the children come or, you know, three or four or five years later, but at some point when the kids start going to school, perhaps. But people don't, and yet we should see that those domestic partners are treated as spouses for the purpose of the Crime Victims' Board when one of the partners is murdered.

MR. GOODELL: If I may, going back to the definition of domestic partner. And I'm looking at subparagraph 1-8(b), which is on page 18 and 19, and it defines a domestic partner to include those who are formally recognized as a beneficiary or covered person under the other person's employment benefits or health insurance. Under that definition, can't a third-party who is the named beneficiary of your life insurance policy who is not living with you, not in any relationship with you, not interrelated financially, that would open the door, doesn't it, to anyone that might be on your life insurance or your health insurance even though they would not normally be considered a domestic partner under the normal understanding that most people have.

MS. GLICK: Well, we don't have a State registry for domestic partners. There are perhaps some local registries. There may be some employers who have some registries in their HR department; there are probably most that do not. So, there are not a lot of ways. The reality is that we are not concerned that people who are not domestic partners are going to present themselves to the Crime

Victims' Board as domestic partners if they are not domestic partners. This is just one method for perhaps indicating that they have that relationship. But it is an attempt to provide people with a means of identifying themselves as domestic partners, but I do not have any concern that people are going to turn up at the Crime Victims' Board claiming to be domestic partners when they, in fact, are not.

MR. GOODELL: Well, I took a look at the annual report of the New York State Office of Victim Services that operates this, and I was interested in seeing how many people who filed claims that were denied. And the irony is that there were only about 7,600 claims that were approved, and there were over 5,600 claims or roughly 42 percent that were denied. And so while I would absolutely agree with you that I would hope nobody would lie or seek money that they're not entitled to, the data suggests that about 42 percent of the people who are applying for benefits don't qualify.

MS. GLICK: Well, I don't know. Maybe those were domestic partners, a large percentage of them, and they were denied because we do not provide for the Crime Victims' Board to approve them. So that's why we have the legislation.

MR. GOODELL: Actually, they provided a detailed list of who was denied and why, and not on that list - and that's a full page list, it's on page 21 of the annual report - is there any reference at all to domestic partners. It ranges from every -- almost every other conceivable excuse. But if I move on, that section I referenced, subparagraph b in your bill, doesn't talk about a registry at all --

MS. GLICK: No, I didn't say it would.

MR. GOODELL: It just says that you are considered a domestic partner if you're named on the other person's employee benefits, which could be a life insurance policy given to someone who is unrelated, even, or something of that situation. Are there any protections to ensure that the scope of coverage is limited to those who have a unique relationship?

MS. GLICK: Well, I would simply say that, you know, not every section of law is referenced in every bill. But presumably, there are fraud statutes, and if somebody holds themselves out in a fraudulent manner, then I believe that that would take care of it. I just would simply suggest to you that the Board might not have made a list of a category that they are not necessarily aware should be itemized since it is not, in fact, a category that they are used to dealing with.

MR. GOODELL: And it's a pretty interesting and detailed list. But you can look at it, of course, at your convenience.

MS. GLICK: I certainly look forward to that.

MR. GOODELL: Moving on, Section 3 of your bill, which is on page 2, lines 7, 8 and 9 and 10, authorize coverage for out-of-pocket losses. But unlike the previous sections -- for example, all others -- it's subject to quote, "unreimbursed and unreimbursable expenses" -- for example, Section 623, subparagraph 3. Even for child victims, we talk about unreimbursed cost. There's no reference of these expenses being unreimbursed. Is it your intent that even

though the phrase "unreimbursed" or "unreimbursable" is not included, that these expenses would only be unreimbursed expenses --

MS. GLICK: Yes.

MR. GOODELL: -- and that the Crime Victims' Board would be the payer of last resort?

MS. GLICK: Yes.

MR. GOODELL: The last question I wanted to ask you about is --

ACTING SPEAKER PICHARDO: Mr. Goodell, unfortunately --

MS. GLICK: Sadly. Sadly.

MR. GOODELL: Sadly, I'm out of time. Is there anyone else in the queue?

ACTING SPEAKER PICHARDO: Yes, there is, but you're more than welcome to come by for a second time.

MR. GOODELL: Perhaps we can come back and discuss finances later. Thank you, Mr. Speaker, and again, thank you, Ms. Glick.

ACTING SPEAKER PICHARDO: Thank you, Mr. Goodell.

Mr. McDonough.

MR. MCDONOUGH: Thank you, Mr. Speaker. Would the sponsor yield for a couple of questions?

ACTING SPEAKER PICHARDO: Do you yield, Ms. Glick?

MS. GLICK: Sure.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. MCDONOUGH: Thank you. Forgive me for not understanding fully, but I had a couple of questions. First of all, you mentioned something about after 9/11 and what we did, but then after 9/11 we made marriage legal, right? And at that time it wasn't legal.

MS. GLICK: No. I -- I -- the point I was making, Mr. McDonough, was that after 9/11 there were first responders who left surviving individuals who were not their spouses, but were their domestic partners, and we authorized them to be covered under the benefits that were equivalent to spouses. That was the point.

MR. MCDONOUGH: Okay. We made in New York City, at least, I think or maybe in the State, I forget, domestic partners a designation, didn't we?

MS. GLICK: We have not -- there's a patchwork for domestic partners. The City, if you were a City employee and then -- and you had to file, the State has had -- employees could identify themselves, but that's not a universal. There isn't a registry in the State of New York that covers the entire State.

MR. MCDONOUGH: All right. This has -- this benefit, if it's awarded, has nothing to do with any benefits that the deceased has awarded through life insurance or anything like that to beneficiaries, right? It doesn't change any of that?

MS. GLICK: No. Nor does that for the Crime Victims' Board come into play for spouses.

MR. MCDONOUGH: I'm sorry, I didn't hear that. Crime Victims' Board what?

MS. GLICK: The Crime Victims' Board does not specifically look for, when it comes to spouses, those questions are -- there is a support for out-of-pocket expenses in the same way for spouses without necessarily discussing whether or not there was an insurance policy.

MR. MCDONOUGH: Okay. Because I -- I'm thinking of a situation where the victim's insurance policy is either for relatives like mother, father or siblings, and that wouldn't be affected because in your -- in the write-up in your bill, in the memo for it, said that the estimate was only \$28,000?

MS. GLICK: Well, that wasn't ours. That came from the Crime Victims' Board, so we included that because people always ask, but it was not anything that we estimated. That was their estimate.

MR. MCDONOUGH: Is that per case or per --

MS. GLICK: No, no, no, no. The Crime Victims' Board doesn't -- I think those -- those grants are fairly limited.

MR. MCDONOUGH: Small. Small?

MS. GLICK: Yes.

MR. MCDONOUGH: Okay. All right. That answers it. Thank you for settling that. Thank you. Thank you, Mr.

Speaker.

MS. GLICK: Thank you.

ACTING SPEAKER PICHARDO: Mr. Goodell.

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

MS. GLICK: Oh, happily.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. GOODELL: Thank you, Ms. Glick. It's always good to see your happy face.

MS. GLICK: Always happy to be seen and not viewed.

(Laughter)

MR. GOODELL: One more thing I agree with you. According to the annual report from the Office of Crime Victims, they, as I mentioned, had about 7,600 awards, and those awards totaled \$23.4 million. So, the awards are quite -- can be quite substantial, right? I mean, on average, they're tens of thousands of dollars. So my question is, is it your belief that the Crime Victims' Board anticipated only giving out two or three awards to domestic partners under this legislation?

MS. GLICK: Well, we hope that they will not have to pay out any awards. We would like to see that there are not many murder victims in the State of New York. We're just saying that in the event that someone's domestic partner is a victim of a murder, that

they are treated in the same fashion that the State would treat a spouse.

MR. GOODELL: Now, I note in the budget that we passed last week, I think it was, it's hard to say --

MS. GLICK: Seems so much longer.

MR. GOODELL: I -- I wish it were. In the Aid to Localities Budget on page 1,148, we increased the appropriation for the Crime Victims' Board by about \$46 million. Was that in anticipation of this? I mean, this seems like a huge disparity between what we did in the budget and the number that's on their fiscal note.

MS. GLICK: I have no knowledge of why there was a -- it's -- perhaps the Crime Victims' Board came to the Legislature. I don't know if that was our add or whether it was in the Governor's budget. I don't know if that is a reflection of backlogs that they have had in the past. I can't speak to what their budget request was or whether that was something that existed already in the Governor's budget as a result of a request by the Crime Victims' Board and perhaps reflects shortfalls that have existed over a number of years.

MR. GOODELL: Thank you very much for your comments. I appreciate them.

On the bill, sir.

ACTING SPEAKER PICHARDO: On the bill, Mr. Goodell.

MR. GOODELL: Before we allowed same-sex marriages, there were a group of people that could not get married

and, therefore, could not qualify as a spouse under our Crime Victims' Compensation provisions. But that's changed. Now you can get married whether you're heterosexual or homosexual or some other variation, you can get married in New York State. But the institution of marriage involves both benefits and trade-offs. And for me, I'm delighted that the benefits far exceed the trade-offs. But one of the benefits of being in a married relationship is that under current law, you're covered. But the current law goes well beyond just married couples. The current law covers anyone who is in the same family, which is defined as any person residing in the same household. Any person residing in the same household as part of the definition of family under current law. And the current law also extends benefits to any person dependent for his principal support upon the victim of the crime. So what this bill does is it extends benefits for those who don't want to get married, are not financially dependent on each other, and don't even live in the same household. The problem, of course, is the Crime Victims' Board does not have unlimited resources. The money it has to distribute to the victims is based on the amount of money it receives from fines and surcharges and appropriations. And so I think it's important that we keep in mind that we are already covering all the people that have the most at risk, and we provide an avenue for everyone else who wants to be covered as a spouse to be covered as a spouse by becoming a spouse. And so for those reasons, based on the cost, the fact that it's diluting the amount of funds that's going to be available for anyone else, and the fact that we already cover the vast

majority of people who actually live together or are financially dependent on each other, I think the bill is unnecessary and inappropriate and unwise. But other than that, I do appreciate the comments of my colleagues, and I agree with her that it would be nice if we had more people who were married when they were raising kids. I think that's great. I agree with her that it would be nice if our costs were lower, and it's always a pleasure seeing her smiling face.

And with that, thank you very much, Mr. Speaker.

ACTING SPEAKER PICHARDO: Thank you, Mr. Goodell.

Ms. Glick.

MS. GLICK: Thank you. Briefly, I just want to remind the members that we don't require people to get married. We allow them to get married. And even though we very recently allowed for people of the same gender to marry each other, there still are people of -- opposite sex couples who inexplicably, though they have always had the right to marry, don't. But that is not a good enough reason not to provide one of them who has gone through the trauma of having a murdered domestic partner in the same way that we want to support the surviving spouse. That's no reason for us not to pass a bill that provides both for domestic partners, and in the same fashion as we provide for spouses. There are any number of people in your constituencies who, for whatever reason, it may be that they are middle-aged or older and have existing families, and for the complicated realities of families, don't choose to get married because

of the complications that result from stepchildren and blended families, and they choose simply to live as domestic partners. They, too, deserve the recognition and the same respect that the Crime Victims' Board affords to spouses who survive having their spouse murdered.

I hope that everybody will embrace the bill and vote in favor. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Gottfried to explain his vote.

MR. GOTTFRIED: Yes, Mr. Speaker. I -- I would think that members of -- on both sides of the aisle go by the notion that whenever we can we should get government off our backs and not have government intruding into our personal lives whenever we can. You know, if two people choose not to get married and to only live together, I don't think that is the government's business. And to say to somebody, *Well, you know, you should've thought about that before your loved one was murdered cause now you're not going to get Crime Victim Compensation because you didn't get married like you should've.* To me that's not what government ought to be doing. It should not matter to us whether two people did or didn't choose to get

married. If they've got the kind of relationship that's talked about in this legislation, I think it's appropriate that the Crime Victims' program treat them the same as if they had gotten married, and that's why I'm voting for this bill.

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

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can now stay on the Rules Report on page 3 and take up Mr. Lavine's bill, it's Rules Report No. 57. And then we will immediately go to Mr. Burke's bill, it's Rules Report No. 58. And then Ms. McMahon's bill, it's Rules Report No. 59. In that order, Mr. Speaker.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A02665-A, Rules Report No. 57, Lavine, Lupardo, Weprin, L. Rosenthal, Mosley, Bronson, Peoples-Stokes, Titus, Abinanti, Fahy, Walker, Zebrowski, Raia, Seawright, Steck, Jaffee, Galef, Solages, Otis, Weinstein. An act to amend the Civil Rights Law, in relation to the right to call for police and emergency assistance and providing victim protections.

ACTING SPEAKER AUBRY: There is an amendment at the desk.

Mr. Giglio to -- Mr. Giglio will briefly explain the amendment while the Chair examines it.

MR. GIGLIO: Thank you, Mr. Speaker. I offer the following amendment, waive its reading, move its immediate adoption and request the opportunity to briefly explain it.

ACTING SPEAKER AUBRY: Proceed.

MR. GIGLIO: Thank you. This amendment adds provisions regarding Extreme Risk Orders of Protection that are contained in A.5740. It would amend the Family Court Act and Criminal Procedure Law to extend by two additional years the expiration date of an order of protection granted by the court if the court finds an extreme case. The protected party respondent has been found guilty of repeated criminal contempt due to violations of the order of protection, respondent has continued to express intent to harm, intimidate or threaten the protected party.

ACTING SPEAKER AUBRY: Thank you, sir. The Chair has examined your amendment and found it not germane to the bill before the House. You may appeal the ruling and speak on the issue of germaneness.

MR. GIGLIO: Thank you, sir. I would like to appeal. And I believe the bill-in-chief offers protections to victims of domestic violence through creating a right to call for emergency protection. The amendment being offered also aids victims of domestic violence, and that it allows a victim to obtain an extension of an order of protection in extreme cases. Both the bill-in-chief and the amendment aim to give the victims of domestic violence a safe place and protection from their abusers; therefore, the amendment is

germane.

ACTING SPEAKER AUBRY: Mr. Giglio appeals the decision of the Chair. The question before the House is shall the decision of the Chair stand as the judgment of the House. Those voting yes vote to sustain the ruling of the Chair. Those voting no vote to override the decision of the Chair.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Announce the results.

(The Clerk announced the results.)

The ruling of the Chair is sustained.

We have another amendment on this bill. There is an amendment at the desk by Ms. Malliotakis. To briefly explain the amendment, Ms. Malliotakis will, while the Chair examines it.

MS. MALLIOTAKIS: Thank you, Mr. Speaker. I offer the following amendment, waive its reading, move its immediate adoption and request the opportunity to briefly explain it, please.

I thank you. The bill-in-chief offers protections to victims of domestic violence through creating a right to call for emergency protection. The amendment being offered also aids victims of domestic violence in that it requires domestic violence offenders to register with the Department of Criminal Justice Services. The registry would protect victims of domestic violence by allowing local law enforcement agencies and the State to monitor the whereabouts of domestic violence offenders. Both the bill-in-chief

and the amendment strives to protect victims of domestic violence from their abusers and, therefore, the amendment is germane.

ACTING SPEAKER AUBRY: The Chair has examined your amendment and found it not germane to the bill before the House. You may, however, appeal the ruling of the Chair and speak on the issue of germaneness.

MS. MALLIOTAKIS: Yes, I would like to appeal, Mr. Speaker. Without the registry, citizens of New York remain uninformed and unprotected from domestic violence offenders. For instance, John Edward Brown, a parolee, was released from prison after serving only two-and-a-half years of a three-year sentence for committing an act of domestic violence against his infant daughter in 2003 by committing a felony assault against her. Subsequent to his release from prison, he murdered Helen Buchel and her daughter, Brittany Passalacqua in Geneva in 2009, each of whom had no knowledge of his domestic violence past. With the passage of -- of this amendment, it's a requirement that domestic violence offenders to register with DCJS. This proposal will aid law enforcement in fighting violent crime, the same as this bill is intended to do, provide and protect victims and prevent victims of domestic violence.

Thank you.

ACTING SPEAKER AUBRY: Certainly. The question before the House is shall the decision of the Chair stand as the judgment of the House. Those voting yes vote to sustain the ruling of the Chair. Those voting no vote to override the decision of the

Chair.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Announce the results.

(The Clerk announced the results.)

The ruling of the Chair is sustained.

On the bill.

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.

(Applause)

Thank you.

The Clerk will read.

THE CLERK: Assembly No. A07051, Rules Report
No. 58, Burke, Titus. An act to amend the Executive Law, in relation
to the definition of "child victims" and to awards for certain child
victims.

ACTING SPEAKER AUBRY: There is an
amendment at the desk.

Mr. Giglio to briefly explain the amendment while

the Chair examines it.

MR. GIGLIO: After being crushed the first time, I'm up for round two. I offer the following amendment, waive its reading, move its immediate adoption and request the opportunity to briefly explain it.

ACTING SPEAKER AUBRY: Proceed, sir.

MR. GIGLIO: Thank you very much. In addition to enacting the bill-in-chief, this amendment would enact provisions of A.5751 in order to establish a new Penal Law provision to define what is to be considered a domestic violence crime when committed against a family member or a member of one's household, and to provide that it should -- should a person be found guilty of such crime in which the offense was committed in the presence of a child age 15 years or younger, such crime shall be considered a Class E felony, and any sentence imposed pursuant to that conviction shall be served consecutively with any other sentence imposed of the underlying offense.

Thank you.

ACTING SPEAKER AUBRY: Certainly. The Chair has examined your amendment and found it not germane to the bill before the House. You may, however, appeal the ruling of the Chair and speak to the issue of germaneness.

MR. GIGLIO: I do appeal it. Thank you, sir.

ACTING SPEAKER AUBRY: Proceed.

MR. GIGLIO: The amendment and the bill-in-chief

are both aimed at protecting children who are victims and/or witnesses to the crimes. The bill-in-chief clarifies existing provisions of Executive Law to ensure that a child -- that child crime victims are eligible for crime victim awards in the same manner as any other crime victims, including when a child is a witness to a crime or violation, while the provisions added by the amendment seek to provide a further disincentive to criminal conduct not just against children, but committed in the presence of a child by increasing penalties associated therewith.

Thank you.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. In support of my colleague's argument on germaneness, the bill-in-chief, as you all know, extends additional benefits from the Crime Victims' Board to cover certain child victims. That's the bill-in-chief. The amendment makes it a crime to commit certain -- makes an enhanced crime to intentionally commit a crime in the presence of such a child. The Crime Victims' Board, all their awards are funded by fines and surcharges against criminals. The reason this bill is germane to the bill-in-chief is because this bill says, *If you commit a crime that's witnessed by a child and you traumatize that child by doing the crime in front of that child, the fine you pay will go into the Crime Victims' Compensation Fund and will be used to help the very child you traumatized.* There's nothing more germane than saying the criminal who commits a crime in front of a child and traumatizes that child

should pay a higher penalty, and that penalty should be available to help the child. That's why this bill is germane.

Thank you, sir.

ACTING SPEAKER AUBRY: Mr. Giglio appeals the decision of the Chair. The question before the House is shall the judge -- the decision of the Chair stand as the judgment of the House. Those voting yes vote to sustain the ruling of the Chair. Those voting no vote to override the decision of the Chair.

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 ruling of the Chair is sustained.

On the bill.

An explanation is requested, Mr. Burke.

MR. BURKE: Thank you, Mr. Speaker. This bill intends to expand the definition of child victim -- of a child victim for the purpose of -- of -- so that they can seek awards to the -- to the Office of Victim Services. Currently there are some loopholes. We need to clean up some of that -- that language, and that's what this endeavors to do.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

MR. BURKE: Yes.

ACTING SPEAKER AUBRY: Mr. Burke yields.

MR. GOODELL: Thank you, Mr. Burke. As I understand this, under current law, we already provide coverage for many situations involving a child victim, which includes, by the way, a child who witnesses a crime is not the victim himself, correct? There's already a law -- a broad coverage?

MR. BURKE: They're already eligible for coverage, yes.

MR. GOODELL: And, in fact, they're eligible for any damages they sustain for witnessing any crime, right, under current law?

MR. BURKE: Crimes, yes, but not -- not violations.

MR. GOODELL: And so this expands it to include a violation of harassment?

MR. BURKE: Yes.

MR. GOODELL: And what is the definition of harassment?

MR. BURKE: Well, so I don't -- I don't have it in -- in front of me, but it would -- it would include -- it could include a kick or a punch, or it can even be a text or voice harassment. Anything -- if you make a person, over time, feel fear. That's my understanding of the definition of harassment.

MR. GOODELL: And if -- under this bill, if a young person under the age of 18 - let's say a 17-year-old, a teenager -- witnesses harassment, what would they then be eligible for under the

bill?

MR. BURKE: Again, I'd like to clarify it. They're -- they're eligible for it. So it doesn't mean they're going to be awarded those things. You know, the counter is that they're not eligible at all. So if someone is -- is traumatized by -- by that experience and they have documentation of that, then they would -- it would make them eligible -- eligible for that. So some of the -- some of the, you know, reimbursement for repair or replacement of essential personal property, transportation expenses incurred for necessary court appearances, mental health counseling if -- if they are experiencing say PTSD from their experience. Those are some of the provisions.

MR. GOODELL: And would that also include, for example, relocation expenses or job training? Occupational and job training?

MR. BURKE: It could.

MR. GOODELL: Now, looking at the latest annual report from the Office of Victim Services, it appears that a substantial portion of the claims that are filed under the current law for children -- child victims don't qualify at all because they weren't even a witness, it was a false claim. Is there any provision in here to address a situation of any fraudulent claims? Is there any penalty for a fraudulent claim or a false claim?

MR. BURKE: No.

MR. GOODELL: And there's no requirement that the teenager who witnessed this was actually the victim of the crime or

was injured in any way by the crime?

MR. BURKE: Could you say the last part?

MR. GOODELL: There's no requirement under this that the teenager who witnesses the crime was actually the victim of the crime or was in any way injured by the crime?

MR. BURKE: It depends on how you define -- maybe personally injured, physically injured, no. But they could -- you know, they could certainly have, you know, emotional trauma, especially if it's a violent crime.

MR. GOODELL: And would this expanded definition of eligibility include what's typically known as bullying in school?

MR. BURKE: Again, so, depending on the situation - I don't know if we have a legal definition of what bullying is, but that's -- that's -- that's for, you know, the -- the -- the Office of Victim Services to determine. So, this is their ability to determine that. Right now we would have the reverse, where someone -- someone could be experiencing very real trauma as a child, had been a very real victim, and can get no help for that. So as you said, it doesn't mean that -- it doesn't mean that they're going to be awarded, it means that they have the opportunity to appeal to be awarded.

MR. GOODELL: All right. I note that under Section 626 when it talks about reimbursement, it talks about unreimbursed expenses. Is it your belief that any award to a teenager for having witnessed harassment or bullying would be after all other sources of

coverage?

MR. BURKE: Absolutely.

MR. GOODELL: And would that also include any obligation their parents might have to pay for any of these expenses? I mean, parents have, obviously, a lot of responsibility toward covering expenses incurred by their own children, right?

MR. BURKE: Sure.

MR. GOODELL: So what's meant by unreimbursed?

MR. BURKE: Right. Right. So -- so if they are under their parents' insurance, they're obviously covered under that. But if they have -- if, you know, the -- if they can't get reimbursement from the -- from the perpetrator, they can't get reimbursement through -- for insurance, I don't know if -- I don't believe that, you know, the parent is then informally obligated to -- to cover all those expenses out-of-pocket for their child if they're the victim. If -- that's why we're defining them as child victims. We don't want to victimize the parents, too.

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

On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: I -- I appreciate Mr. Burke's desire to expand the definition of what's eligible for Crime Victims' Compensation for teenagers and others who witness a crime. I am concerned that we are now expanding crime victim compensation to

situations that don't actually involve a crime. It's a violation, like harassment. And in addition, to expanding it to include harassment, which is not a crime, we expand it to include to those who aren't even a victim of the harassment, but merely observed the harassment. And that opens the door to potential claims when a student in school witnesses bullying - not the victim, but just witnesses it - or any other type of harassment. The reason we need to be careful is because there are a number of claims filed against the Crime Victims' Board, filed with the Crime Victims' Board for compensation. And, in fact, under their last annual report, there were a number that were denied that were filed by young people seeking compensation. In fact, about 15 percent were denied because they didn't even qualify. They didn't witness the crime, they weren't the victim of the crime, they weren't injured in any way or they didn't otherwise qualify.

So, I support the concept and appreciate my colleague's concepts. At some point we need to be careful about how we're expanding this to cover everything, because as you expand it to cover everything, the amount available for everyone else is not -- simply not there. So I will be supporting it, but I -- I do want to voice that cautionary word that we are expanding Crime Victims' Compensation to include non-crimes to people who aren't even the victim, and if we continue down this path, there won't be funding available for the real victims of real crimes.

Thank you very much, sir.

ACTING SPEAKER AUBRY: Thank you.

Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Burke to explain his vote.

MR. BURKE: I'd just like to thank all my colleagues for supporting this bill. You know, when we're thinking of victims and how it impacts people, I'm from a -- a really great neighborhood, but it is a -- it is a rough neighborhood. And people experience, you know, violence and trauma all of the time. Essentially, throughout their lives from -- from, you know -- from the youngest age to -- to the oldest age. You know, I grew up -- a friend around the corner watched her mother murdered in front of her. Just a couple of weeks ago, I was about 20 feet away from a girl who was shot. You know, violence that exists in certain communities becomes pervasive, and a lot of people experience very severe trauma because of that. And it might not be defined because they were personally attacked or they were the direct witness of -- of a family member being hurt, but a lot of people experience real harm and real trauma. And when that is documented and evidence proves that they were traumatized, especially as children, I think it's appropriate that -- that our community and our State supports them.

So I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Burke in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Burke, your first.

(Applause)

The Clerk will read, Rules Report No. 59.

THE CLERK: Assembly No. A07079, Rules Report No. 59, McMahon, Titus. An act to amend Executive Law, in relation to victim compensation for unlawful surveillance crimes.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. McMahon to explain her vote.

MS. MCMAHON: Thank you, Mr. Speaker.

Unlawful surveillance and dissemination of an unlawful surveillance image are extremely serious crimes. For amusement or profit or sexual gratification or to degrade another, a person installs surveillance equipment to surreptitiously view another person in an intimate or private setting, and to add insult to injury, may disseminate these unlawfully obtained images to others. This abhorrent conduct

can have long-lasting and traumatic effects on the victim, despite a lack of physical injury. Today we assist these victims by making them eligible for reimbursement awards through the Office of Victim Services. Crime-related expenses may include mental health counseling, lost wages, transportation costs and security devices. This is a fitting and natural extension of existing law to help compensate the victims of this invasive and intimidating criminal conduct.

For this reason, I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. McMahon in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

We have back-to-back home runs. Ms. McMahon, your first.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can now go to the A-Calendar, page 5, and take up Rules Report No. 60 by Mr. Pretlow. And we're also going to go to the main Calendar on page 14 and take up Calendar No. 170 by Ms. Paulin.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A07081, Rules Report No. 60, Pretlow. An act to amend the Tax Law, in relation to authorizing the County of Westchester to impose an additional rate of

sales and compensating use tax; and to amend Chapter 272 of the Laws of 1991, amending the Tax Law relating to the method of disposition of sales and compensating use tax revenue in Westchester County and enacting the Westchester County Spending Limitation Act, in relation to extending the expiration thereof.

ACTING SPEAKER AUBRY: On a motion by Mr. Pretlow, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

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.

Page 14, Calendar No. 170, the Clerk will read.

THE CLERK: Assembly No. A05839-A, Calendar No. 170, Paulin, Abinanti, Buchwald, Galef, Otis, Pretlow, Sayegh. An act to amend the Westchester County Administrative Code, in relation to the lease or sale of real property for park purposes.

ACTING SPEAKER AUBRY: Home Rule message is at the desk.

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: Mr. Speaker, could you call on Mr. Otis for an announcement?

ACTING SPEAKER AUBRY: Mr. Otis for the purposes of an announcement.

MR. OTIS: Following our adjournment here, there will be a Democratic conference in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Democratic conference, Speaker's Conference Room.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Certainly. Resolutions on one vote, we will take the resolutions up.

All those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 270-273 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned until 10:00 a.m., Wednesday, April the 10th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 5:38 p.m., the Assembly stood adjourned until Wednesday, April 10th at 10:00 a.m., Wednesday being a Session day.)