

**TUESDAY, MAY 14, 2019**

**2:41 P.M.**

ACTING SPEAKER AUBRY: The House will come to order.

In the absence of clergy, let us pause for a moment of silence.

(Whereupon, a moment of silence was observed.)

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, May 13th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to

dispense with the further reading of the Journal of May the 13th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. I just had a really kind of brief conversation with our Speaker Heastie and -- and it occurred to me that it might be the appropriate time to use a quote from *Star Trek II: The Wrath of Kahn*. The quote says, Mr. Speaker, "The needs of the many outweigh the needs of a few or the one." That is by Mr. Spock, Mr. Speaker. Thank you so much.

It is now a pleasure to make our members aware that there is a main Calendar on the desk and after we have done any housekeeping and/or introductions, we (indicating) --

ACTING SPEAKER AUBRY: I know; it's difficult.

MRS. PEOPLES-STOKES: After any introductions or housekeeping, we will continue our consent with new bills beginning with Calendar No. 288, it's on page 24. We will also be taking up our Domestic Violence Package today, as well as taking up other bills off the main Calendar on debate. Members of the Ways and Means Committee should be prepared to be called off the floor at some point today. And for our Majority members, there will be a need for a Democratic Conference at the end of Session. And as always, we will consult with our colleagues on the other side of the

aisle to see what their needs are.

So, that's the general outline, Mr. Speaker. If there are any introductions or housekeeping, it would be a great time to do it.

ACTING SPEAKER AUBRY: Certainly.

Housekeeping first.

On a motion by Mr. Abinanti, page 14, Calendar No. 178, Bill A.01370-A, amendments are received and adopted.

For the purposes of a [sic] introduction, Mr. Crouch.

MR. CROUCH: Thank you, Mr. Speaker. I have the honor and privilege of introducing a group from my district today, they come from the Greene Central School. It's six young ladies that are here to look at government, study the ways of government, and they are being sponsored here today by the Greene American Legion. The young ladies that are present is Maggie Roosa, Valerie Stracquadanio - probably butchered that one - Maggie -- Renee Clark, Emma Smith, Rylee Gollogly and Brianna Austin. So if you would, Mr. Speaker, please welcome these young ladies and the Greene American Legion and give them the courtesies of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Crouch, the Speaker and all the members, we welcome these young students here to the New York State Assembly, extend to you the privileges of the floor, hope that this experience of learning about government here in Albany will be beneficial to you. We look forward to seeing you back here again. Thank you so very much.

(Applause)

Mr. Stern for the purposes of an introduction.

MR. STERN: Thank you, Mr. Speaker. And for myself and for our colleague, Assemblyman Andrew Raia, it is a pleasure and really a privilege to welcome Michelle "Angel" Athenas of Huntington to our Chambers today. Angel is a record-breaking four-time Gold Medal winning 2019 World Games Special Olympian.

(Applause)

Angel won four Gold Medals in power lifting at the 2019 Special Olympics World Games in Abu Dhabi. She won Gold for bench press, squat, deadlift and for cumulative weight total. Prior to the success overseas, Angel won four Gold Medals in power lifting at the 2018 United States Special Olympics in Seattle, and she also broke the women's deadlifting record at the 2018 New York Special Olympics right here in Albany. Angel has overcome many challenges to reach her incredible success and has triumphed over Autism, ADHD and Bipolar Disorder through the love and support of her family, and the services and care provided by Family Residence and Essential Enterprises, or FREE, an outstanding program on Long Island that supports 4,000 individuals with intellectual and developmental disabilities. And, Mr. Speaker, I would be remiss if I did not mention John Ponce, who has played such an important role in Angel's life, who discovered her passion for weightlifting in high school and trained six days a week for hours each day to reach her highest potential.

She's also a model citizen, volunteering at a local horse stable, with one of our local churches and aiding seniors at assisted living community. Angel's made her mark on the world through her endless perseverance and is a true inspiration to us all. She's accompanied today, Mr. Speaker, to the Chamber by her parents, Geri and Bob. Please, Mr. Speaker, would you offer all of the cordialities of the House and the privileges of the floor to Gold Medalist and World Champion Angel Athenas.

(Applause)

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Stern, Mr. Raia, the Speaker and all the members, Angel, we welcome you here to the New York State Assembly, extend to you the privileges of the floor. Also extend to you our admiration for the work that you've done to achieve all these lofty goals. We know it can only lead you to greater and bigger things as you proceed in life. Just remember that you can do it. Thank you so very much. We're happy to have you.

(Applause)

Ms. Walker for an introduction.

MS. WALKER: Thank you, Mr. Speaker. Today, more than 100 advocates from New York's domestic violence programs and domestic violence survivors have traveled across this State to come together today. They represent the New York State Coalition Against Domestic Violence and they're here to educate legislators and raise awareness about domestic violence issues. They

are here to let us know that what's needed and how we can better support domestic violence victims and their families.

We are joined in the Chamber today by the staff of the New York State Coalition Against Domestic Violence. The Coalition serves as the Federally-designated information clearinghouse, primary point of contact and resource on domestic violence for the State of New York. It was established in 1978 and the Coalition is responsible for supporting the development of policies, protocols and procedures to enhance domestic violence intervention and prevention and to provide education and technical assistance to the network of primary purpose domestic violence service providers Statewide.

I would like to welcome Connie Neal, who is the Executive Director of the New York State Coalition Against Domestic Violence, and her staff: Fran Bialy, Chair of the Coalition's Board of Directors and Executive Director of A New Hope Center in Western New York, and Kelly Coyne, Vice Chair of the Coalition's Board of Directors and Vice President of Domestic Violence Shelters of Safe Horizons in New York City. Thank you for being here with us today and thank you for reminding us how critical it is that we remember domestic violence survivors and their families. We must do everything in our power to keep them safe and ensure that not one survivor is turned away from obtaining services. Please, Mr. Speaker, welcome to the People's House.

(Applause)

ACTING SPEAKER AUBRY: Thank you so much. On behalf of Ms. Walker, the Speaker and all the members, we welcome you here to the New York State Assembly, to the People's House. We extend to you the privileges of the floor, our gratitude for the work that you do to help those who cannot help themselves. And, sir, she paid you a tribute by keeping you in with the sisters. Thank you so very much. Happy to have you.

(Applause)

Mr. Jacobson.

MR. JACOBSON: Thank you, Mr. Speaker. It is my privilege and honor to introduce the Poughkeepsie High School Basketball Team, the 2018-2019 Class A New York State Champions. This is the first Championship for the school since 1995. They beat undefeated Pittsford Mendon 69-59 and finished with an overall 25-3 record. Our -- joining them today is their incredible coaching staff, including Head Coach Cody Moffett; Assistant Coach Julius Cox and Dennis Dean. The members of the team that are here today are: Jamar Campbell, Jamik Carter, Javel Cherry, Niyal Goins, Shelvon Grant, Jahquel Harvard, YaNique Jackson, Tremell Reaves, Andrew Small, Davontrey Thompson and Denzel Wheeler. And I think that the coaches, while they're very proud of this hard-won Championship, are just as proud because all of the seniors have been accepted into college.

(Applause)

And so, Mr. Speaker, would you please welcome and

extend the courtesies of the House to the Poughkeepsie High School Basketball Team.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Jacobson, the Speaker and all the members, we welcome this extraordinary basketball team here to the New York State Assembly, extend to you the privileges of the floor. Congratulations to you seniors. It is so important that you continue your education, no matter where basketball might take you, the education will be with you long after you stop playing. Please continue that. For those of you who are juniors and sophomores, learn that lesson. Study, stay strong and play well. Thank you so very much.

(Applause)

(Pause)

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

MR. GOODELL: Thank you very much, Mr.

Speaker. It is my pleasure to introduce to the Chamber Lieutenant Sam Quattrone. Mr. Quattrone, Lieutenant, is stationed at Fort Drum here in New York State. He's part of a group of soldiers that are here with a demonstration in the Well so if any of you haven't that seen yet, it's a great demonstration on what they can do and what they -- their service they can provide defending all of us in the great State of New York.

Just a little bit of a personal side, though, Lieutenant Quattrone's father was just elected as the new Sheriff in Chautauqua County. So, unfortunately for him, he really couldn't get away with



that much when he was growing up, he had to kind of tow the line, but he certainly turned into a great asset to not only Chautauqua County, but to our State and country, as well. So if you would extend the cordialities, I would certainly appreciate it.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Goodell, the Speaker and all the members, Lieutenant, we welcome you here to the New York State Assembly, extend to you the privileges of the floor, and also to all the other soldiers who have joined you today, we always appreciate the Fort Drum exhibition that we have. Thank you again for your service. We look forward to you sharing with us and continuing to protect us as we go on. Thank you so very much.

(Applause)

(Pause)

For purposes of a [sic] introduction, Mr. Phillip Steck.

MR. STECK: Thank you very much Mr. Speaker. I'm very pleased to welcome Madison VanDenburg. I see a number of the members already know who she is. She's our hometown sensation from the Shaker High School in the Town of Colonie who, along with 100,000 other hopefuls, auditioned for *American Idol* back in October 2018. Since then, she has made it through the many elimination rounds and is now a finalist along with two other hopefuls. Madison is joined today by her dad, Skip VanDenburg, and sister, Taylor VanDenburg. Although I must confess I am not an avid *Idol* fan, I've

been watching Madison very, very closely. I was drawn to her performances when attending a viewing event at Shaker High School, and my favorite performance was her rendition of "I Surrender" by Celine Dion, she really killed it. And I feel it propelled her into the position she is now, although I know that she's a huge fan of Pat Benatar, and I was also very impressed with the covers of "Heartbreaker" and "We Belong".

Madison began her performing career -- you know, we did not have her down at the karaoke last night, I think she would have put us all quite to shame. She began her performing career at the age of 8 years old. She learned how to play both the piano and sing at the same time. Madison added on guitar at age ten. By the time she was 12, she was playing to crowds of hundreds, and at age 15 started playing in local clubs. Later today, there will be a parade and performance in Madison's honor at The Crossings of Colonie, our large town park in the middle of town; I wish the weather would be a little bit more cooperative. Then, it is back to Hollywood for Madison. I wish her the best of luck in the next few weeks. I know that New York State will be rooting for you, and thank you very much for putting the Town of Colonie on the entertainment map.

(Applause)

ACTING SPEAKER AUBRY: On behalf of Mr. Phillip Steck, the Speaker and all the members, Madison, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor, you and your father. We are so very proud of

you. We wish you so much success in your endeavors, but no matter what happens, you put a shine on the Capital area and we hope you will continue to do that. Thank you so very much for sharing your talent.

(Applause)

MRS. PEOPLES-STOKES: Resolutions. Mr. Speaker, if we can now go to resolutions on page 3.

ACTING SPEAKER AUBRY: Certainly. The Clerk will read resolutions.

THE CLERK: Assembly Resolution No. 389, Ms. Walker.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 14, 2019, as Domestic Violence Awareness Prevention Day in the State of New York.

ACTING SPEAKER AUBRY: Ms. Walker on the resolution.

MS. WALKER: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: One minute. Let's let them settle down, Ms. Walker.

Project, and we can make it through.

MS. WALKER: Okay.

ACTING SPEAKER AUBRY: Thank you.

MS. WALKER: Thank you. And thank you -- a very special thank you to our Sergeant-at-Arms, as well, for allowing the proper mode and mood to be set here as we embark on this very

important resolution. I am reminded of a dear friend of mine whose life we lost very recently, Erica Renaud. Erica was a Brooklynite, a sister, a friend, an auntie and a lover of all things music.

Unfortunately, she fell in love with a man whose love knew no limit. And when it wasn't possible for him to carry on his love with Erica, he took her life in a Brooklyn apartment and then attempted to take his own, but that wasn't able to be accomplished. And we recognize that today, Erica is one of many other women across our State who are victims of domestic violence, some lethally, some deadly, and some are still living with this monster right now.

Every minute, 24 people are victims of rape, physical violence or stalking by an intimate partner in the United States. This means more than 12 million people each year experience violence from an intimate partner. Further, one-in-four women and one-in-seven men over the age of 18 will experience physical violence by an intimate partner in their lifetime. More alarming, New York has had the greatest demand for domestic violence services for three years in a row. In a national Census performed each year by the National Network to End Domestic Violence, 7,148 survivors in New York requested services in just one day in 2017, the most recent year data is available.

We know that domestic violence does not discriminate. A person of any race, age, gender, sexual orientation, income and occupation can experience domestic violence. Anyone can be a victim. So, today, we are proudly presenting to you a res --

a resolution, proclaiming May 14th as Domestic Violence Awareness and Prevention Day, awareness because we have to remain aware of the thousands of individuals across our State who experience intimate partner violence each and every day, who live in fear for their lives or the lives of their children, who are controlled by their partners, who must remain with abusers in order to put food on their table or to avoid homelessness; and prevention, because public health research has shown that the use of prevention strategies at multiple levels from individual to communal society will lead to social change. Prevention strategies can change social and community norms to promote healthy and equitable behavior.

These strategies are not the only way to stop domestic violence from occurring in the first place. New York's domestic violence programs are on the front lines of this societal shift by providing comprehensive, life-saving services and critical support to survivors of domestic violence. And lastly, just think about that for a moment. Let that sink in. As we've already indicated, more than 7,100 women and men have made phone calls to domestic violence hotlines on one day in New York -- in 2017. Why? Because they needed help. Now, think about what could happen to those 7,100 individuals if help wasn't available. Well, that's what happened to 852 of them. Twelve percent of the people who called the hotline were told that the services they were asking for, the services that they needed were not available. And why not?

So together, as a Legislature, we have to do better.

We will do better. Thank you, Mr. Speaker.

(Applause)

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

(Applause)

THE CLERK: Assembly Resolution No. 390, Mr. Benedetto.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 14th, 2019, at Childhood Apraxia of Speech Awareness Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 391, Mr. Blankenbush.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 14th, 2019, as 10th Mountain Division and Fort Drum Day in the State of New York.

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

THE CLERK: Assembly Resolution No. 392, Mr. Cymbrowitz.

Legislative Resolution memorializing Governor M.

Cuomo to proclaim May 2019, as Stroke 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.

THE CLERK: Assembly Resolution No. 393, Mr. Byrne.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim May 2019, as Water Safety 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.

Ms. -- I'm sorry. Mr. Byrne on the resolution.

MR. BYRNE: I rise today just to speak on this resolution to help raise awareness for the need for boater and water safety throughout our State. This resolution, I first introduced it a couple of years back after speaking to one of the owners of a local marina around Lake Mahopac. It was also a couple of years after our community lost a 14-year-old girl to a drowning in the lake.

And a lot of folks may not understand or -- or realize the magnitude of this issue. According to the Center for Disease Control, the CDC, about ten people die from drownings every -- every day, and one out of five people who die from those drownings are children 14 years and younger. So, it's important to raise awareness

for water safety, for boater safety, swimming in designated areas with lifeguards, wearing PFDs, lifejackets, preservers, but also for us as legislators just to raise awareness and -- and promote things like water safety courses. I know I'm partnering with one of my local sheriffs in Putnam County doing a boater safety course later in June. And the -- the more we do to raise awareness on this initiative is just better for everybody.

I want to thank my colleagues for supporting this resolution.

ACTING SPEAKER AUBRY: Thank you, Mr. Byrne.

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

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

MR. DINOWITZ: Thanks, Mr. Speaker. I am very pleased to introduce some of the leaders of the New York State -- the Women's Bar Association of the State of New York. They are dedicated to the advancement of women in law and society. Its members include judges, attorneys and law students, and they have 20 Chapters throughout the State of New York, including a strong local presence. And on the Statewide level, they speak as one voice for equal access to justice and gender equity. They support the rights of women and girls worldwide. They impact -- their impact with respect to the issues of Statewide, national and international significance to women have proven them to be leaders in law and policy with a long



and honored role of making life better for women worldwide.

The Association has been in the forefront of changing laws in the areas of domestic violence and achieving equity in marriage dissolution, in achieving fairness in custody decisions and the initiative against crimes of sexual violence, and against sexual discrimination in employment. And they will continue to be in the forefront of making policy on issues affecting women, children and family. And their leadership has had a profound and lasting impact on our State.

So, Mr. Speaker, if you would give them a very warm welcome, I would most appreciate it.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Dinowitz, the Speaker and all the members, we welcome this distinguished women -- group of women from the Bar Association here to the New York State Assembly. We extend to you the privileges of the floor. We commend you on the work that you're doing. Continue that great work. You are always welcome here. This is the People's House. Thank you so very much.

(Applause)

Mr. Goodell.

MR. GOODELL: Thank you very much, Mr. Speaker. On behalf of Assemblyman Steve Hawley, it's my pleasure to introduce to us the Kendall Junior/Senior High School students who are visiting Albany today. They are up there in the Balcony. They're accompanied by their Principal, Kevin Watson; their nurse, Bethany

Mason, and a couple of teachers and chaperones, Caitlyn Curtis and Jess Parizek. If you would extend the courtesies of our House to the Kendall Junior/Senior High School students who are here as guests of Assemblyman Steve Hawley.

ACTING SPEAKER AUBRY: Certainly. On behalf of Assemblyman Hawley, the Speaker and all the members, we welcome these distinguished students here to the New York State Assembly, extend to you the privileges of the floor, hope that you have enjoyed your trip, hope that you have enjoyed the proceedings that you've seen, continue to grow and come back and visit us often. Thank you so very much. And thank you for both teachers and parents who've accompanied you. Thank you.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If we can now go to page 24 and begin our work on Calendar No. 281, legislation that is sponsored by Mr. Abinanti.

Mr. Speaker, we're going to --

ACTING SPEAKER AUBRY: Shh. Ladies and gentlemen, please.

MRS. PEOPLES-STOKES: If we could -- my apologies. If we could go to Calendar No. 288, Mr. Dinowitz.

ACTING SPEAKER AUBRY: The Clerk will read, Calendar No. 288.

THE CLERK: Assembly No. A03534, Calendar No.

288, Dinowitz, M. G. Miller, Abinanti, Weprin, Colton. An act to amend the Judiciary Law and the Labor Law, in relation to creating additional remedies for unlawful discharge, penalty or discrimination on account of the exercise of a juror's right to be absent from employment for jury duty.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03918, Calendar No. 289, McDonald, D'Urso, Braunstein, Williams, Seawright, Cook, Cahill, Rivera, Arroyo, Blankenbush, Raia, Ra, Lawrence, Morinello, Gottfried, Blake, Fahy, Otis, Hawley, Taylor, Sayegh, Ashby, Pichardo, Smullen, Walczyk, Stirpe. An act to amend the Public Health Law and the Education Law, in relation to the dispensing of partially filled prescriptions.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, colleagues, this is our first vote of today. If members could -- are in and around the Chambers, if you could please cast your vote with some quickness, we can move on to our -- the next item on our agenda. Again, this is the first vote of the day, Mr. Speaker.

ACTING SPEAKER AUBRY: First vote of the day,

members. Please come in the Chamber and vote.

ACTING SPEAKER PICHARDO: 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 you could please call the Ways and Means Committee to the Speaker's Conference Room.

ACTING SPEAKER PICHARDO: Ways and Means, Speaker's Conference Room, the Chairwoman is on her way and eagerly waiting for members to attend.

The Clerk will read.

THE CLERK: Assembly No. A03972, Calendar No. 290, Aubry, Jaffee, Bronson, Weprin, De La Rosa. An act to amend the Executive Law, in relation to requiring employers to make a conditional offer of employment before inquiring about any criminal convictions of a prospective employee.

ACTING SPEAKER PICHARDO: The bill is laid aside.

THE CLERK: Assembly No. A04064, Calendar No. 291, Hyndman, Williams, Taylor, Rivera, Dickens, D'Urso, Mosley, Gottfried, Montesano, Lawrence, Galef, Steck, Raia, Arroyo, Wallace, Stirpe. An act to amend the Education Law, in relation to registered dental assisting.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: 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, if we can begin our Domestic Violence Package now. I'm going to ask if we can start at Calendar No. 58, which is the Zebrowski bill. Then we're going to go to Calendar No. 63 by Mr. Lavine, and then Calendar No. 67 by Ms. Paulin.

ACTING SPEAKER PICHARDO: The Clerk will read.

THE CLERK: Assembly No. A01945, Calendar No. 58, Zebrowski, Galef, Cahill, Colton, Abbate, Gunther, M.G. Miller, Seawright, Bichotte, Bronson, Otis, Weprin, Wallace, Cruz, Jaffee, Griffin. An act to amend the Civil Practice Law and Rules, in relation to establishing a time period in which an action to recover damages for injury arising from domestic violence must be brought.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Zebrowski to explain his vote.

MR. ZEBROWSKI: Thank you, Mr. Speaker.

Domestic violence, as we heard earlier in the eloquent explanation around our resolution, can be a crime that completely upends a person's life. From housing to child issues, the -- the all-encompassing nature of these crimes is something that we need to look at all of our laws. What this bill would do would be to extend the statute of limitations by which a victim can sue their abuser from one year to two years, thereby giving somebody the opportunity to get their life in order, to avail themselves of services, to get new housing, to deal with child issues, to deal with all the issues that somebody has to deal with when, unfortunately, they're dealing with one of these circumstances. That oftentimes can take six months, eight months, ten months or a year. This would then allow them to assess their situation and, if possible, sue their abuser in civil court. This would double the amount of time that would be available to a victim. I'll be voting in the affirmative and I would ask my colleagues to join me. Thank you, Mr. Speaker.

ACTING SPEAKER PICHARDO: Mr. Zebrowski in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I need to interrupt the ceremonies for one -- procedures, rather, for one moment to introduce a group of very supersmart young people who are in our Chambers above you. They are the National Junior Honor Society from Orange County, New York, the West Valley -- the Valley Central Middle School. And they include two students that are relatives of one of the great staffers here in our Chambers, Angelina and Isabella Vargas. Would you please welcome them to our Chambers on behalf of the Speaker and all the members and, of course, their dad, Howard, as well.

ACTING SPEAKER PICHARDO: Certainly. On behalf of Mrs. Peoples-Stokes, the Speaker, all the members, and to the Vargas kids, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor. Family is always welcome here in the Chamber. You are always extended the privileges of the floor and the courtesies of the House. Welcome back. Come back again and continue to be shining examples and young leaders for our community and for our State. Thank you so very much.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A02850-A, Calendar

No. 63, Lavine, Otis, Crespo, Fahy, Walker, Bronson, Richardson, Bichotte, M.G. Miller, Griffin, Fernandez. An act to amend the Public Health Law, in relation to hospital domestic violence policies and procedures.

ACTING SPEAKER PICHARDO: Read the last section.

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

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Goodell for an introduction.

MR. GOODELL: Thank you very much, Mr. Speaker, for the opportunity to interrupt our proceedings. Mr. Speaker, I'd like the opportunity after we close this vote to make an introduction, if I may, sir.

ACTING SPEAKER PICHARDO: I apologize, we are experiencing some technical difficulties. But with that being said...

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Let's try this again. Mr. Goodell for an introduction.

MR. GOODELL: Thank you, Mr. Speaker. I --

ACTING SPEAKER PICHARDO: My pleasure.

MR. GOODELL: -- I didn't want to interrupt our



vote on that important bill. But on behalf of Assemblyman Schmitt, it's my great pleasure to introduce John Kunzweiler, and Jane, his mother. John is a very impressive individual. He's graduating with a Bachelor of Arts in Science focusing on Human Biology from SUNY Albany, Class of 2019, so he's just finishing up one phase of his life and looking forward to going on as an intern at Memorial Sloan Kettering, and then afterwards to do some medical research, hopefully in Australia. So, if you wouldn't mind welcoming a very impressive young man and his mother to our Chamber, I'd appreciate it.

ACTING SPEAKER PICHARDO: Certainly. On behalf of Mr. Schmitt, the Speaker and all the members, John, we welcome you and your mother here to the New York State Assembly. We extend to you the privileges of the floor. Good luck with your studies. College was a fun time, you know, now you're an adult, so, sorry about that. But, you know, you're always welcome back to come by any time. Good luck with your rest of your studies, good luck with your career and good luck Down Under. Take care, sir, and thank you so much.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A00219-A, Calendar No. 67, Paulin, Blake, Dinowitz, Galef, Jaffee, M.G. Miller, L. Rosenthal, Zebrowski, Crouch, Raia, Otis, Schmitt, Jacobson, D'Urso, Griffin. An act to amend the Election Law, in relation to mailing special ballots for victims of domestic violence.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

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 I could interrupt the proceedings to do a brief introduction. We have joining us in the Chambers today some students from the University of Buffalo Family Violence and Women's Rights Clinic. They would be joined by their Assistant Clinical Professor, Judith Olin, but unfortunately, Judith lost her mom and she was not able to be with them. But she is so proud of these students, as am I, Mr. Speaker. These students are dedicated advocates for the survivors of domestic violence. They do so much, from representing clients and family in integrated domestic violence courts, to giving presentations in local high schools to students on teen dating violence prevention, to researching domestic violence legislation and policy reform. These students are an integral part of the community coordinated response against family violence in Western New York.

Mr. Speaker, they are Katrina Loss, Jessica Simonetti, Vicki Bell who is actually a -- the Clinical Education Program Director, Vicki -- I'm sorry, Alexandra Jimenez. These are the students that are working with Judith Olin on this very important work that we do in Western New York. And, Mr. Speaker, if you could welcome these fine young advocates and students to our Chambers, I would be grateful.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, 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 commend you on the work that you're doing in your community. Please continue that work, continue your education and know that you are always welcome here. Thank you.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could take up our next three items -- actually, four items: Calendar No. 144 by Ms. Rozic; Calendar No. 285 by Mr. Cymbrowitz; Calendar No. 293 by Mr. Hevesi and Calendar No. 298 by Ms. Weinstein, in that order, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A05318, Calendar No. 144, Rozic, Abbate, Abinanti, Blake, Bronson, Colton, Crespo, Jones, Otis, Raia, Richardson, Rodriguez, Simon, Seawright, Pheffer Amato,

Bichotte, Griffin, L. Rosenthal, Fall, Perry, Cruz, Fernandez. An act to amend the Public Service Law and the General Business Law, in relation to requiring companies to allow victims of domestic violence to cancel contracts when there is a domestic violence incident report, a police report, an order of protection, or a signed affidavit.

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

MS. ROZIC: Thank you, Mr. Speaker. This bill would require cable, telephone and satellite companies to permit victims of domestic violence to cancel their contracts with the companies without incurring any fees or penalties. The victim would need to request such cancellation in writing and provide an official document that proves such abuse occurred in the past six months. These documents include: Domestic incident report, a police report, an order of protection or a signed affidavit from a medical provider, rape crisis counselor, domestic violence advocate, court employee in the appropriate capacity, or social worker. More generally I would say, you know, this is about victims of domestic violence. Seventy-five percent of domestic violence-related murders happen when the victim is attempting to leave and any way that we can help these victims have a quick, necessary move is really essential to their safety.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

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

MS. ROZIC: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you very much, Ms. Rozic. Last year when we discussed this bill, you had indicated that you were contemplating some amendments to the language. Were any of those amendments implemented?

MS. ROZIC: I don't believe so.

MR. GOODELL: Now, this --

MS. ROZIC: We debated a companion bill to this bill.

MR. GOODELL: This allows someone who claims to be a domestic violence victim to cancel their cell phone contract, their cable TV contract, their satellite contract. Is there any judicial review required at all as part of that process? Is there any due process that the telephone company or the cable TV company or the cell company has?

MS. ROZIC: Well, this -- you know, this gives some latitude to the company if that they -- if, in fact, they suspect fraud for whatever reason, they can take appropriate actions. But more often than not, I would say it takes tremendous amount for someone to come forward and to request -- to actively request or seek out any of these orders. And so, this isn't something that's done lightly.

MR. GOODELL: But this bill doesn't provide any

opportunity, does it, for any of those companies to question in a judicial proceeding or otherwise the validity of that type of request, correct?

MS. ROZIC: No, it doesn't speak to that.

MR. GOODELL: Now, with -- and that makes it different, by the way, than existing law that applies in the context of leases, where it's a judicial proceeding to verify the -- the allegations and the seriousness of the issue. But this doesn't include any of that, correct?

MS. ROZIC: Again, one of the options is an order of protection that a victim would have to provide.

MR. GOODELL: Now, this can also -- this bill can be triggered without any statement under oath or any affidavit of any kind by the alleged victim herself or himself, correct?

MS. ROZIC: You would need --

MR. GOODELL: There's no requirement for any affidavit.

MS. ROZIC: From the actual victim?

MR. GOODELL: Right.

MS. ROZIC: Correct.

MR. GOODELL: From the victim.

MS. ROZIC: It would be a -- I mean, one of the options is a signed affidavit from their medical provider, their rape crisis counselor, a court employee or their social worker.

MR. GOODELL: But no affidavit from the victim,

correct?

MS. ROZIC: Correct.

MR. GOODELL: And no -- no statement under oath of any kind by the victim, correct?

MS. ROZIC: I mean, they would be seeking it out in the first place.

MR. GOODELL: I'm sorry, I couldn't hear you.

MS. ROZIC: They would be seeking it out in the first place, so I feel like that is their statement.

MR. GOODELL: But I'm -- I apologize, I'm having a little bit of trouble hearing you. I'm correct, there's no --

MS. ROZIC: They would not have to sign an affidavit.

MR. GOODELL: Okay. Is there any requirement that the victim or anyone else make a connection between the alleged abuse and their continued receipt of cable TV or cell service or a telephone service? In other words, is there any obligation that the victim states, *Unless I cancel this, I have a reasonable fear that they'll be able to track me down for some reason.* Is there any requirement that there be a statement by the victim that there's any connection between the termination of their service and the alleged abuse?

MS. ROZIC: Again, I go back to my original point which is, you know, this is not something that victims of domestic violence do or seek lightly and it's a very serious situation. They're not just going to abuse the system in that way. And if they do, and if a

company suspects fraud, they can take appropriate measures.

MR. GOODELL: Does this require that the abuse occur after the contract was signed?

MS. ROZIC: If such abuse occurred in the past six months.

MR. GOODELL: So, you could have an abuse that occurred six months ago, you go and you sign a new contract with Verizon, for example, you could then cancel the contract that you just signed with Verizon because six months before you signed the contract, you were the victim of abuse, is that correct, under this law?

MS. ROZIC: I believe so. Yeah. So, the six-month window is just in order to provide a victim enough time to get these documents in place and to give them multiple pathways to -- to seek help and to get out of this contract, which is often with the person's batterer or significant other.

MR. GOODELL: But my question is, the six months is irrespective of when you sign the contract under this law, right? So it could be that you were the victim of domestic abuse five months before you signed the contract. Under this language, you should still be able to cancel the contract, correct?

MS. ROZIC: That is --

MR. GOODELL: I mean, there's nothing in this language that says the --

MS. ROZIC: It doesn't speak to that.

MR. GOODELL: -- abuse has to occur after the



contract is signed.

MS. ROZIC: It doesn't speak to that.

MR. GOODELL: Okay. Can a cell company refuse to renew service or sign a new contract with a victim who previously cancelled their contract if the abuse occurred within six months of the renewal?

MS. ROZIC: Again --

MR. GOODELL: Does this bill address that situation at all?

MS. ROZIC: It -- it doesn't speak to that.

MR. GOODELL: And is it okay then for a cell company as part of their standard application to ask an applicant, have you been a victim of domestic abuse within the last six months? Can they add that without any issues under this --

MS. ROZIC: Again, this bill just addresses penalties and fees.

MR. GOODELL: Now, this bill has an effective date effective immediately?

MS. ROZIC: Yes.

MR. GOODELL: Was it your intent, then, that a victim, or someone who is a victim within -- of sexual abuse within -- or domestic abuse, sorry, within six months could cancel an existing multi-year contract effective as soon as this bill was signed?

MS. ROZIC: Yes.

MR. GOODELL: How is that consistent with the

U.S. Constitution that prohibits State Legislatures from adopting legislation that impairs the validity of an existing contract?

MS. ROZIC: So, under the Federal Telecommunications Act of 1996, we also -- it also allows states the ability to regulate contract terms and conditions. I believe that this falls within those parameters.

MR. GOODELL: Well, you can do that consistent with the U.S. Constitution if the effective date is for any contracts entered into after the law. I don't think you can apply it to contracts that were entered into and were valid prior to the law. This bill doesn't make that distinction though, does it?

MS. ROZIC: Again, it just speaks to the penalties and fees.

MR. GOODELL: Does this bill allow a cell phone company or cable TV company to bring a civil suit against the abuser for any damages that may be sustained by the loss of this contract?

MS. ROZIC: I'm not going to speculate on that. I'm -- I'm just trying to address the fees and the penalties that one might incur within a family plan or a bundle-package plan.

MR. GOODELL: Does this bill require the alleged victim to establish any nexus of any kind between the alleged abuse and their cell coverage or their cable TV or their phone company contract? Do they have to show that there's some relationship between their domestic abuse and that contract?

MS. ROZIC: We are trying our best to allow victims

of domestic violence to get out of bundle packages and family cell phone packages or plans because they are often trapped in these bundles or packages or situations with their abuser. And this solely deals with the situation in which a victim of domestic violence is trying to leave that situation behind quickly.

MR. GOODELL: Now, I understand the problem if there's a victim of domestic abuse who's in a bundle package with the abuser, I absolutely understand that problem; is this bill limited to those situations?

MS. ROZIC: Does it what? I didn't hear you.

MR. GOODELL: Is this bill limited to situations where the abuser and the alleged victim are on the same contract or are in a bundle? It's not in any way limited to that, is it?

MS. ROZIC: No, it's both.

MR. GOODELL: So you could have an alleged victim who has a separate contract that has nothing whatsoever to do with the abuser and this gives them the right to cancel their cell contract and go with a competing company that might be offering a better rate or for any other reason as long as they're a victim within six months?

MS. ROZIC: Again, I'm not going to speculate on specific situations that may or may not occur, but it is -- it is -- it does speak to the fact that a victim is trapped within their bundle package or their plan with their abuser.

MR. GOODELL: And I know I asked this, I wasn't

sure if I had the answer on it. Can a cell phone company or cable TV company refuse to sign a new contract with a victim of domestic abuse?

MS. ROZIC: This doesn't speak to that. This only speaks to the fees and the penalties that would be incurred in someone trying -- a victim trying to leave their bundle package.

MR. GOODELL: Now, as you know, oftentimes a cell company or a cable company will give a special discounted rate if you sign a multi-year contract. So it might be, you know, \$50 a month if you go month-to-month, it might be \$40 a month if you sign a two-year contract, you know, \$35 a month if it's a three-year contract. If a victim of domestic abuse cancels a contract in the middle of the term, can the company go back and charge the higher rate for the service already rendered under the short-term?

MS. ROZIC: Again, this -- this bill doesn't address that. The intent of this bill is to address the fees and the penalties that would be incurred leaving.

MR. GOODELL: Many people, as you know, buy their cell phone financed by the provider, AT&T, Verizon, whatever, right? What happens, then, when the alleged victim cancels the contract with the cell phone company? Must they return their cell phone or must they pay it off in full? What happens then?

MS. ROZIC: This doesn't speak to that situation. We can take a look at doing that in future legislation.

MR. GOODELL: But this would not cancel their

promissory note or their contract to pay for the phone? I mean, you don't get a free phone out of this, do you?

MS. ROZIC: This just speaks to the actual bundle packages, satellite package that you have.

MR. GOODELL: Well, it talks about multi-year contract or bundle contract, right? It talks about them in the disjunctive. So, you could have a multi-year contract that's not bundled and it's still covered by this bill, correct?

MS. ROZIC: That is possible.

MR. GOODELL: Thank you, Ms. Rozic.

MS. ROZIC: You're welcome.

MR. GOODELL: I appreciate your comments.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: Everyone in this room, of course, wants to be helpful and supportive of the victims of domestic violence, but I think we also need to have reasonable standards in place to protect innocent third-parties from being damaged. And that innocent third-party might be a company, a cell phone company or a satellite TV company or a cable company. And what happens is they give special rates when you have a multi-year contract and they plan on those multi-year contracts in developing those rates. And what this bill basically says is that a person can come in, claim they're a victim of domestic violence and based on that claim, they can cancel the contract, walk away. They get the benefit of the lower rate, but they

don't have any obligation by claiming that within six months they were a victim of domestic violence. And as the sponsor pointed out, that domestic violence could have occurred five months before they signed the contract, well before. And as was pointed out, this bill doesn't require any connection, any nexus, if you will, between the alleged domestic violence and the contract. You have a cell phone that's on your own name, the phone company automatically, as we all know, they'll do it for all of us, will automatically change your phone number, so why -- why should you be able to walk away from a multi-year contract because you were a victim of domestic abuse? There's no judicial protection. There's no independent third-party. We don't even require under this bill that the victim certify under oath that they actually were a victim of domestic violence.

But most troubling to me is there's nothing in this bill that focuses on the underlying cause of domestic violence. You know, when we let somebody get out of a residential lease, they get out of it when there's an order of protection and the court is involved and there's enforcement action that's being taken against the abuser. But this bill doesn't require that the abuser even be identified. There's nothing that stops further domestic violence. There's no requirement under this bill for a police report. There's no requirement that the abuser's name be identified or that we take any steps of any kind to stop the future abuse. Instead, what we say is that we take a whole class of people and say guess what? This whole class of people can't be held to an enforceable contract. I see I'm out of time.

ACTING SPEAKER AUBRY: Yes, you are, Mr. Goodell.

There is no one else on the bill. Do you want to impose your second?

MR. GOODELL: Thank you, sir.

ACTING SPEAKER AUBRY: Proceed.

MR. GOODELL: So we trample due process rights of any of these companies, we implement a bill that's unconstitutional because it violates existing contracts, we don't require any nexus or any connection at all between the alleged abuse and the contract that's being cancelled, we don't provide a mechanism for the phone company to even sue the abuser to recover any damages, we don't require the abuser's identity to be disclosed, we don't require a police report, we don't require the alleged abuser to even sign under oath that they actually are the victim. There's nothing in here, no checks or balances of any kind.

So, if we want to reduce abuse, let's encourage those who are abused to file a police report to identify the abuser, to cooperate with law enforcement, to -- if they're concerned about their safety, to seek an order of protection. Instead, what this bill says is we have a whole class of people who have no enforceable contract. We say if you're a cellphone company or a cable telephone company or a telephone company, there's a whole group of people that you cannot sign a valid binding contract with. It includes everyone under the age of 18 because we won't let minors sign a contract, it includes everyone

who's mentally incompetent, and it includes anyone who within six months was a victim of domestic abuse.

It has far-reaching ramifications. I would recommend that we continue to look for ways to help victims of domestic violence while focusing our efforts on being fair, balanced and encouraging efforts to identify and punish and stop abusers. Unfortunately, this bill I don't think has that right balance. Thank you, Mr. Speaker. And, again, I appreciate the comments from my colleague.

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.)

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker. I want to commend the sponsor of the bill. Most individuals who are facing domestic violence feel in many instances some shame and fear. They have many -- there's a constellation of issues they have to deal with, family, maybe children, a cell phone contract is not necessarily high on their list. Many people do not seek an order of protection because that is frequently when one is most in danger by signaling to the abuser that you're taking action. Depending on where you are, the police may be more or less receptive to taking a complaint.

And so, this is just removing one element of concern



that you are not tied into something. You may have to switch your job, you may have to switch where you live. There are a great many issues you may be confronting and so this is, I think, a reasonable measure. People are not going to defraud by coming forward and saying, *I am a victim of domestic violence; therefore I want to get out of this contract*. That is a fantasy. So I withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mr. Barron.

MR. BARRON: Thank you, Mr. Speaker. This is incredible. It seems like my colleague wants an order of protection for the cell phone company or for a Cablevision company to protect them more than protecting a victim of domestic violence. I think it's absurd to think that someone -- this bill clearly states that those who have permanent protect -- order of protections should be allowed to get out of these contracts. To be more concerned about somebody ripping off a cell phone company or a Cablevision company with some fraudulent excuse of domestic violence I think is absurd. It's incredible. I was sitting there saying, let me not talk during the 15 minute time because I may come back for 15 minutes, so I just wanted to say it now that for someone to be more concerned about a cell phone company being abused or ripped off than a person being a victim of domestic violence and trying to ease the pain the little bit that getting out of a contract would do, I think it's just a no-brainer so

I gladly -- I commend the sponsor of this bill and I gladly vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Barron in the affirmative.

Ms. Simotas to explain her vote.

MS. SIMOTAS: I also rise to commend the sponsor of this bill and also to point out that on lines 18 and 19 and throughout this bill, there's a specific clause that says, *A claim for opting out of such contract without charge shall be made in good faith.* The sponsor I don't believe is trying to defraud anybody or have these corporations get out of their contracts without proper cause. And, you know, if somebody makes a claim that they're a DV victim, then they're going to be held to account because this statute specifically claims that they have to make the claim in good faith.

Again, I commend the sponsor. It's very important that we provide these protections and don't allow corporations to keep domestic violence -- domestic violence victims really at -- at the whims of these corporations. Thank you very much. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Simotas in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02832, Calendar No.

285, Cymbrowitz, Abbate, Bronson, Malliotakis, Peoples-Stokes, Weprin, Abinanti, Seawright, Bichotte, Hevesi. An act to amend the Insurance Law, in relation to allowing victims of domestic violence the opportunity to designate an alternate address for health insurance claims or billing purposes.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04267, Calendar No. 293, Hevesi, Englebright, L. Rosenthal, Gunther, Arroyo, Rozic, Lavine, Giglio, D'Urso, Galef, Joyner, Simon, Rivera, Taylor, Hunter, Seawright, Bichotte, Mosley, Niou, Ortiz, Barron, Williams, Richardson, Gottfried, Epstein, Wright, Blake. An act to amend the Real Property Law, in relation to the termination of a residential lease by a victim of domestic violence; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Hevesi.

MR. HEVESI: Thank you, Mr. Speaker, and my colleagues. And, Mr. Goodell, I'm assuming this is mostly for you,

my friend. This is a new bill, so I'm going to go into a little bit more detail than I normally would. In 2007, this Legislature passed a law that created a mechanism for domestic violence victims to break their leases if they had experienced domestic violence and were reasonably sure that they were in an unsafe situation. It was a good law; however, some of the requirements for domestic violence survivors to access that mechanism so they could break their lease are a little bit onerous, which has left some survivors in the unfortunate circumstance that either they have to, A, stay in an unsafe living situation or, B, because the violence is so bad, that they flee only later to be hit with financial penalties.

The purpose of this specific bill is to get rid of a number of the requirements to allow more domestic violence survivors access to this mechanism to break their lease. Because this is a new bill and I don't like doing this, we have 11 provisions. I'm going to read them very quickly, but I want the House to consider them as I -- as I go through them, I want everybody to have a full understanding of this. Andy, we'll get to your questions in a second.

So, first, the change -- this bill changes the termination of lease process by no longer requiring a court order of protection; we are replacing that requirement with a written notice requirement. We are eliminating the requirement that a tenant seeking a lease termination has to notify a co-tenant who is their abuser. Think about that one for a second. We are expanding the categories of documentation required to corroborate the tenant's status as a

domestic violence survivor to include police reports, medical reports and certifications from domestic violence service providers, as well as orders of protection. We are shortening the time period between the initiation of the process and the termination date. We are eliminating -- this -- this is actually a really bad one, I'm glad we're addressing this, we are eliminating the requirement that the tenant seeking to terminate a lease be current on rental payments. The experts tell us that 99 percent of domestic violence survivors and victims are victims of financial abuse. They have zero control over whether the rent was paid on time, and to have that as a requirement that they have to be up-to-date on their rent before they break the lease is a very bad requirement, we're getting rid of that. We create a new subsection that details how the rent and any security deposit will be handled. We establish an affirmative defense to a subsequent legal action for rental arrears brought by the landlord based on compliance. We explicitly preserve the landlord's right to seek rental arrears owed prior to the termination date; we wanted to protect the landlords. We create a new subsection that outlines and clarifies the treatment of other tenants if there's cohabitation. We create a new subsection with confidentiality provisions that says that the landlord cannot under any circumstances talk about the use of this statute or that the tenant was a domestic violence survivor. And last, we create a new subsection which establishes minimal damages and payments for violation of the sections we talked about.

So, sorry for going into detail, but it's a complex bill.

I'm happy to take any questions.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Will you yield, Mr. Hevesi?

MR. HEVESI: It's my pleasure, sir.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: So, as you mentioned, there's currently a process in place where a victim of domestic abuse who has an order of protection can get out of a lease, correct?

MR. HEVESI: Correct.

MR. GOODELL: And that's been around since 2008?

MR. HEVESI: Seven.

MR. GOODELL: Two thousand and seven. And that process involves an order of protection. So, there's been a preliminary court determination that the claim is valid.

MR. HEVESI: Yes.

MR. GOODELL: It involves a ten-day notice to the landlord and an opportunity for the landlord to be heard, correct?

MR. HEVESI: Correct.

MR. GOODELL: And the whole process is under the supervision, if you will, of an independent third-party tribunal, a judge, who is involved in this process.

MR. HEVESI: That's correct.

MR. GOODELL: And this proposed bill, then, eliminates the entire judicial review process?

MR. HEVESI: No, sir. We allow for that process to continue. You can still use an order of protection as part of the written documentation requirement that we're creating. So, we're adding new avenues for survivors to get out of their leases, we're not stopping the use of orders of protection to do that.

MR. GOODELL: But the new bill eliminates the role of the court in reviewing the request for a termination of the tenancy, correct?

MR. HEVESI: Under different circumstances. So what we're allowing is for a written notification, and let me get into this because it's a little bit in the weeds. So, first --

MR. GOODELL: Well, no, let me -- you don't need to go and -- I understand there's a number of ways that this bill would allow the termination to be triggered.

MR. HEVESI: Yes.

MR. GOODELL: The old bill required a court review.

MR. HEVESI: Yes, and I don't believe that a court --

MR. GOODELL: And this bill eliminates all --

ACTING SPEAKER AUBRY: Mr. Goodell. Would you let him answer. I understand --

MR. GOODELL: I'd like to finish the question, if I

may --

MR. HEVESI: It's my fault as well, Mr. Speaker.

Please go ahead.

ACTING SPEAKER AUBRY: My understanding is you'd asked him a question and he was getting -- answering it and you want to --

MR. GOODELL: No, I -- I wasn't done. My --

ACTING SPEAKER AUBRY: Well, let -- then let's just try and be mindful. Give each other time enough to answer and if -- even if you don't like the answer, you can hear.

MR. GOODELL: Certainly, sir.

And thank you for your courtesies, Mr. Hevesi.

MR. HEVESI: Sure.

MR. GOODELL: So, my question is this: Under the old bill, the only way that you could terminate a tenancy is you would go through a judicial proceeding where the court, on ten days notice to the landlord and with others, would then make a determination that it was appropriate to terminate the lease. This bill eliminates that portion of the old statute, correct?

MR. HEVESI: Yes.

MR. GOODELL: It no longer would require any judicial review for the termination of a lease, right --

MR. HEVESI: That is correct. Can I tell you why we're doing that?

MR. GOODELL: No, right now I'm just trying to



figure out the bill.

MR. HEVESI: Okay.

MR. GOODELL: Now, on the last bill we talked about, the domestic violence had to occur within six months. Under current law, the domestic violence has to be the subject of an order of protection, which means it's immediate. Is there any requirement under this bill that the order -- that the alleged abuse be within a certain timeframe?

MR. HEVESI: No, and nor should there be. And, Andy, do me a favor, let me respond. So, what we found is, number one, when -- under the old law, when you're requiring a survivor to go back to the court of original jurisdiction, okay, where they got the original order of protection, they would have to go back and seek a new order from that court in order to break their lease - that was the process - which you're essentially doing is taking a landlord-tenant issue back into the criminal courts and to Family Court and even into Supreme Court. It doesn't -- it -- it backs up the court's time and it's not necessary. And we were also finding that as a result of requiring that, make -- the -- the survivors go through that process, that a lot of them are not going to be able to do that for a variety of reasons and, therefore, we as the State, as the bill was intended to do, we're going to allow a lot more survivors access to this mechanism than were prevented by only going through the court structure.

MR. GOODELL: Now, does this bill require as a condition of the termination of the lease that there be any

identification or the name of the abuser?

MR. HEVESI: No, and nor should there be.

MR. GOODELL: And does it require that there be any police report of the abuse?

MR. HEVESI: It doesn't require -- it does not require it, however -- and, by the way, the -- I understand where you're going with this, except the -- the logic for a survivor of going to the police should not be required by law. That's a personal matter that each survivor should -- should deal with. Maybe it's not the right thing for their family to go to the police, maybe that's a last resort. So I understand the nature of the question, but no, on purpose; we don't require that at all. However, if there is a police report or an order of protection or a -- or a note from the doctor or a shrink or a pediatrician or anybody else who certifies that there was domestic violence, we will now allow that as a written attestation that domestic violence has occurred and that this person reasonably fears for their safety and they should be able to break their lease.

MR. GOODELL: Now this bill does require that those third parties that you mentioned, including social workers --

MR. HEVESI: Yeah.

MR. GOODELL: -- or doctors or whatever can -- can make a report of the domestic violence, and this bill does require that that statement be notarized and I see the bill it actually has suggested language for that notice, correct?

MR. HEVESI: Yeah, we -- we were pretty

comprehensive. So there are three different notices that the -- the bill will accept -- we'll accept others, but we -- in the actual language, we wrote out three different samples: One for the survivor, one for a third-party of the list we just discussed who can attest to it, and one for those who need translation services. That -- each of those will be posted on the Unified Court System's website and made available to all the different courts throughout the State. So all of the people who need access to a sample of what this written notice should look like will have access to it.

MR. GOODELL: But the-- if I go back to the bill, the bill doesn't require that these statements be under oath, correct? It doesn't require that they be verified.

MR. HEVESI: It's verified. I would -- I would --

MR. GOODELL: No, it's notarized and acknowledged --

MR. HEVESI: It's notarized.

MR. GOODELL: -- not verified, correct?

MR. HEVESI: But -- yes, but --

MR. GOODELL: Not verified, correct?

MR. HEVESI: What's the distinction between notarized -- verified? I know I'm leading you down a road you probably want to go, but, please, feel free to tell me.

MR. GOODELL: Well, no, I'm happy to. A verification is you make a statement under oath that's true. That's a verification.

MR. HEVESI: I understand that.

MR. GOODELL: But this bill expressly does not include a verification. What it does is an acknowledgment. An acknowledgment is just a statement by the notary that the person who signed the statement is the person they claim to be, has nothing whatsoever to do with the validity or the honesty of the document, nor can it be used in any -- any action for perjury or anything of that nature.

MR. HEVESI: I -- appreciate that and this is where -- this is where we may be differing. I happen to believe that survivors deserve the benefit of the doubt. I don't need independent verification from an outside judicial process or any other process. If a survivor comes forward and says, *I've been a victim of domestic violence and I am reasonably sure that I am unsafe to live in my current living environment*, then I tend to believe them. You may not.

MR. GOODELL: Now, as you know, particularly in the City, it's not at all unusual for an apartment to be occupied by multiple tenants --

MR. HEVESI: Yes --

MR. GOODELL: Co-tenancy.

MR. HEVESI: -- co-tenancy.

MR. GOODELL: And many landlords require -- have one lease for the entire apartment signed by, say, four co-tenants.

MR. HEVESI: It's possible.

MR. GOODELL: And so, in a legal sense they're

what we call "jointly and severally liable." That means each one of them is responsible for the entire amount. So, if some -- one of the co-tenants exercises this, and assume the other co-tenants had nothing to do with the abuse --

MR. HEVESI: Well, actually, actually, I can't let you assume that, Andy, because part of the reason for breaking the lease --

MR. GOODELL: May I finish this question?

MR. HEVESI: Absolutely, I'm sorry.

MR. GOODELL: I understand there's special provisions if one of the co-tenants is the abuser. But in those situations where the co -- none of the other co-tenants are abusers, this bill would allow the tenant, one of the co-tenants, to walk out on the lease leaving the other --

MR. HEVESI: Can you give me one second?

MR. GOODELL: -- co-tenants to pick up the bill, right?

MR. HEVESI: Could you hold on one second? You raise an interesting point.

(Pause) (Sidebar)

Okay. You're right. By -- by the way, Andy, you -- you raise an interesting point that I had not considered and I appreciate it. So, I was under the assumption that a co-tenant would have to be -- one of the co-tenants is the abuser which is giving the -- the domestic violence survivor the reason for getting out.

MR. GOODELL: Absolutely.

MR. HEVESI: I'm told -- I am told by counsel that, in addition, if the abuser has access to the building and is not a co-tenant, that is also -- would be sufficient for the domestic violence survivor to make the written notice and get out of the apartment.

MR. GOODELL: But this --

MR. HEVESI: So, I had not understood that distinction. But, please...

MR. GOODELL: But there's nothing in this language that actually requires that either a co-tenant be the abuser or that a co-tenant have access, right? All they need to certify is they're a victim of domestic abuse.

MR. HEVESI: That is correct.

MR. GOODELL: And so, if --

MR. HEVESI: You have to trust the victims.

MR. GOODELL: So, my question is, going back, what about the other three co-tenants? Now they're stuck on paying 100 percent of the lease payment, correct?

MR. HEVESI: No, they're not. We set up a circumstance for them and if you'll -- you'll read the bill, here is the circumstance -- we have a -- we create a new -- a new subsection that actually mirrors another part of the Real Property Tax Law. It says that if tenants -- if there are tenants on the lease other than the terminating tenant, first, the landlord will not terminate or sever the co-tenancy except with the other tenants' consent. The landlord must provide the remaining tenants at least 30 days from the termination

date to decide whether to consent to a termination severance and, as important, the remaining tenant or co-tenants holds the right to add an additional occupant. We're trying not to hurt the landlords or the other tenants.

MR. GOODELL: So, I understand that. So, let's say you have four tenants -- give you a hypothetical. You have four tenants, they sign a lease, they're jointly and severally liable, one of them claims that they're the victim of domestic abuse, the abuser is not in the building, not a co-tenant. This bill says, okay fine, we let one of the four out, the other three now have to pay 100 percent of the bill. The landlord can, but is not required to terminate or severent -- sever, the -- if the landlord says, *That's fine, I don't care as long as you pay the rent, that's cool*. This bill then goes on to say, okay, so the other three now have a statutory right to replace the one that left, correct?

MR. HEVESI: That's correct.

MR. GOODELL: And because this bill --

MR. HEVESI: By the way, Andy, Andy, because we didn't want them to do what you just suggested and pay 100 percent of the rent, we wanted to give them an avenue to bring somebody else in to cover that portion.

MR. GOODELL: So, a lot of times landlords, as you know, have conditions that they impose in -- in allowing tenants in. They may do a credit check, they want to make sure there's no obvious problems with them. They may ban pets, right?

MR. HEVESI: Sure.

MR. GOODELL: They may be non-smoking. Is there anything in here that -- anything in this language that requires the replacement tenant to comply with all the restrictions that the landlord would have for any other tenant?

MR. HEVESI: I'm -- give me one second.

(Pause) (Sidebar)

Yeah. Andy, this is covered under existing law. If somebody comes in, they would have to be held to the standard of the current lease. They're not coming in with new requirements, we're not changing anything for the landlords. So, whoever the roommate, let's say the co-tenant, in this case, brings in, would have to be fulfilling the requirements of the existing tenant who left.

MR. GOODELL: Well, before a landlord will sign a lease with a new tenant, the landlord often does a fair amount of due diligence in the background of the tenant.

MR. HEVESI: Yes.

MR. GOODELL: That due diligence is not part of the lease. It's before that landlord signs the lease.

MR. HEVESI: That is correct.

MR. GOODELL: So, the question is, is there anything in this language that allows the tenant to review the qualifications of the proposed new tenant to ensure that they meet the landlord's pre-lease, pre-review of qualifications?

MR. HEVESI: Yeah. We provided a 30-day window before the next tenant comes to replace the -- the domestic violence



survivor. I believe, number one, that should be sufficient time for the landlord or lessor to -- to do their due diligence. And, by the way, even if it's not, that is not a reason to allow domestic violence survivors to stay in an unsafe situation.

MR. GOODELL: As you know, there are many tenancies where the people that are allowed in as tenants have to meet certain criteria. They might have to be over a certain age, for example, or under a certain income.

MR. HEVESI: Yes.

MR. GOODELL: Is there anything in this that requires the replacement tenant to meet those criteria? I'm looking at paragraph -- I'm looking at page 6, line 14 through 16. I don't see that there's any restrictions whatsoever in the statutory right as written --

MR. HEVESI: Why -- Andy, I'm --

MR. GOODELL: -- to put somebody in there that doesn't otherwise qualify.

MR. HEVESI: First of all, nobody is putting somebody in there that wouldn't otherwise qualify unless the landlord agrees, number one. And the co-tenant --

MR. GOODELL: Does it require the landlord's consent?

MR. HEVESI: Andy, let me -- please let me finish. So, if the landlord doesn't agree and/or the co-tenant doesn't agree, it's not happening, number one. And, number two, I'm a little concerned about the question. You would want us to put into statute that the

replacement tenant, the person who's coming in has to meet a bunch of requirements that they are like in age, demographic characteristics as the domestic violence survivor? We would never do that.

MR. GOODELL: Well, as you know, we have that in many statutory provisions where we have income restrictions if you're moving into a --

MR. HEVESI: So, if we have it in many circumstances --

MR. GOODELL: But -- but --

MR. HEVESI: -- then it's under current law.

MR. GOODELL: -- if I may finish my question.

MR. HEVESI: -- why would we put it in this bill?

MR. GOODELL: If I may finish my question. Is there any language in here that allows the landlord to review the tenants and give consent or not?

MR. HEVESI: Yes. The landlord has 30 days to approve.

MR. GOODELL: Where is that? I apologize.

(Pause) (Sidebar)

MR. HEVESI: Yeah, Andy, we -- we didn't put anything in the law that would require a landlord to take in a tenant they did not want. We expressly tried to make this as palatable to the landlords as possible.

MR. GOODELL: Okay. Now, you -- you have various confidentiality provisions in this. Does this prevent the

landlord, these confidentiality provisions, from notifying --

MR. HEVESI: Sorry, Andy, I -- I missed the beginning. Say it again, sir. Sorry.

MR. GOODELL: There are various confidentiality provisions in this statute.

MR. HEVESI: Yes.

MR. GOODELL: Do these confidentiality provisions make it illegal for a landlord to notify law enforcement that there is an abuser that may be a co-tenant or that there may be an abuser that has access to the building, or even that a particular tenant is -- is the victim of abuse?

MR. HEVESI: Yes. And, Andy, while I -- I sympathize with you on this point, this bill is not a mechanism to go out and get people and get them involved in the police and the judicial system. This is a measure to save victims from abuse. So, I understand why you're going there, but no, we wouldn't require that, and we certainly didn't require it in this bill.

MR. GOODELL: Well, you actually prohibit it, don't you?

MR. HEVESI: Yes. Because it is important to us that domestic violence survivors not be labeled "survivors" by their landlords. So --

ACTING SPEAKER AUBRY: As -- as in the other circumstance, no one else is up.

Mr. Goodell, do you want to continue your 15?

MR. GOODELL: Mr. Hevesi, are you continuing to yield?

MR. HEVESI: If you'd like me to. I'd be happy to.

MR. GOODELL: Yes, thank you.

ACTING SPEAKER AUBRY: Mr. Hevesi continues to yield.

MR. HEVESI: I don't think my colleagues are so happy about it, but I am -- am happy.

MR. GOODELL: We may share that... that sentiment, you know.

MR. HEVESI: Okay.

MR. GOODELL: I'm looking at the last page on lines 27 through 30. This states that a landlord shall not divulge that anyone left or terminated the lease according to this provision of law, correct?

MR. HEVESI: That's correct.

MR. GOODELL: So, how does that comport with free speech rights? I mean, we're saying a landlord can't talk about why someone terminated their lease?

MR. HEVESI: Yes. I don't believe a landlord's right to free speech includes having to out somebody for being a domestic violence victim. That is correct, it does not include that.

MR. GOODELL: That's a very interesting First Amendment argument.

MR. HEVESI: Yeah.

MR. GOODELL: Okay.

MR. HEVESI: I would argue that the rights of the victim to privacy supersedes that.

MR. GOODELL: Can the landlord subsequently refuse to rent to such a tenant?

MR. HEVESI: Say that again?

MR. GOODELL: Can the landlord subsequently refuse to rent to such a tenant?

MR. HEVESI: To which tenant? I'm -- I'm unclear on the question.

MR. GOODELL: I'll withdraw the question.

Mr. Hevesi, thank you very much.

MR. HEVESI: Thank you, Mr. Goodell. Appreciate it.

MR. GOODELL: Mr. Speaker, on the bill.

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

MR. GOODELL: Since 2007, we've had a procedure in place where a victim of domestic abuse who seeks to obtain an order of protection can also obtain a court order terminating their lease. That process which we already have in place balances the need for protection with the contractual rights that a landlord would have. And it treats very carefully the fact that we want to have people who are fearful and have an order of protection, we want to be able to help those people who have an order of protection be able to get out of

their lease. That's the current law. And there's a lot of good reasons for this.

Under the current law, you have an independent judicial review. Under this bill there's no independent judicial review. Under current law, you have an order of protection, which means that a judge has determined there's a dangerous situation. Under this proposed law, there's no order of protection that's required. Under the current law, the law enforcement has to be involved and try to stop the abuse, identify the abuser and take steps to prevent this from occurring. Under this proposed law, there's no requirement for the Family Court or the law enforcement or anyone else to be involved, and no -- no requirement that we be addressing the abuser himself or herself.

Under current law there's a requirement that there be a connection between the alleged abuse and the termination of the lease. This one has one, but it -- it's a determination that's made not by the tenant under oath or in a court proceeding, but can be made by a social worker in an unverified statement. Under this proposal, the tenants have a statutory right to replace the co-tenant. Statutory right. That's a new concept, isn't it? Because right now, anyone else, if you're in any other lease anywhere else in the State of New York and one of the co-tenants leave, you don't have a statutory right to replace them, you have to get the permission of the landlord. The landlord might want to know are they -- do they have a history of selling drugs out of the apartment? Do they have a pet? Are they a smoker? Do

they have a decent credit report? This law says you have a statutory right to replace them without any approval by the landlord. No approval required.

Under the current law, as I mentioned, we want to involve the Family Court, Social Services, law enforcement. Under this law, it's illegal for a landlord to report this abuse situation to the authorities. We call it confidentiality. We go one step further and we say it's also illegal for the landlord to even talk about why the tenant left. That's an interesting situation, isn't it? Imagine you're the landlord, you rent an apartment to four people, they're co-tenants, one of them exercises their option here, you go to other three tenants and say, *Sorry guys, your co-tenant left, you guys have to either find a replacement tenant or you pick up the full freight.* And they say, *Well, why did so and so leave? I can't tell ya. I'd be fined \$1,000 and face serious consequences if I told you why your co-tenant left.*

The current law is a series of checks and balances. It's a carefully thought-out system. I believe we should stay with the current law and not move in this direction. Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: We'll now go to  
Calendar No. 298.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A05608, Calendar No.  
298, Weinstein, Seawright, Glick, Jaffee, D'Urso, Barron, Colton,  
Taylor, Griffin. An act to amend the Social Services Law, in relation  
to expanding the crimes included in domestic violence to include  
identity theft, grand larceny and coercion.

ACTING SPEAKER AUBRY: Read the last section.

On a motion by Ms. Weinstein, the Senate bill is  
before the House. The Senate bill is advanced. 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, if we can  
go now to Calendar No. 299 by Ms. Weinstein, Calendar No. 300 by  
Ms. Weinstein and Calendar No. 315 by Ms. Weinstein.

ACTING SPEAKER AUBRY: The Clerk will read.



THE CLERK: Assembly No. A05614, Calendar No. 299, Weinstein, Jaffee, Perry, Zebrowski, Seawright, M.G. Miller, Paulin, Titus, Bichotte, Bronson, Taylor. An act to amend the Civil Practice Law and Rules, in relation to exempting parties liable for failure to obey or enforce certain orders of protection or temporary orders of protection in domestic violence or domestic relations matters from the provisions of Article 16 of such law, entitled "Limited Liability of Persons Jointly Liable."

ACTING SPEAKER AUBRY: On a motion by Ms. Weinstein, the Senate bill is before the House. The Senate bill is advanced.

An explanation is requested, Ms. Weinstein.

MS. WEINSTEIN: Yes. Very simply, this bill -- yes, this bill says that once liability has been found against a municipality, that they could be liable in the instance of domestic violence for failure to protect the victim based on assurances that they -- they would, then they could be responsible for the entire amount of damages. Just to -- to clarify, we do nothing to change the liability, the standard of liability, which is extremely, extremely strict, in order to find a municipality had an obligation to protect the victim. But once that standard, the current standard in law is met, then this says that the victim should not be the self-insurer of her damages.

ACTING SPEAKER AUBRY: Mr. Ra.

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

MS. WEINSTEIN: Yes.

ACTING SPEAKER AUBRY: Ms. Weinstein yields.

MR. RA: Okay. And thank you for that explanation, because I think that is important for our colleagues to -- to understand what this bill -- that it doesn't create liability where there wouldn't be any, but what it has to do with is how the liability is actually spread out amongst potentially multiple people --

MS. WEINSTEIN: The "damages", correct.

MR. RA: Yeah, the "damages", I should say. So, just -- just, though, for -- for clarification and I -- I know we have done this bill many times before. Under New York State law, there are exceptions to this, but -- but normally, if -- if somebody who their portion of damages is less than 50 percent, their responsibility for their portion of the damages -- and -- and that's the way the damages are apportioned, they can't be held responsible for the entire share.

MS. WEINSTEIN: Correct.

MR. RA: This creates a new exception under which those municipalities, where that liability has already been found, can be held liable for the entire amount of the damages, correct?

MS. WEINSTEIN: Correct.

MR. RA: And that's -- that's without regard to the percentage to which they are found to be liable.

MS. WEINSTEIN: Correct.

MR. RA: Okay. So, it could be 10 percent, 5 percent

they would responsible for the entire amount, correct?

MS. WEINSTEIN: Yes. And in -- just to reemphasize what -- what you -- you said and what I said, there have been very few instances, in fact, where the courts have found that the police owed that special -- municipality owed that special duty of care. But in those very limited circumstances where there is liability, this would allow the victim to not be the self-insurer of her own damages.

MR. RA: Okay. Now, if -- if a situation does come up -- I mean, normally, what's -- what's probably going to happen here is, you know, this is going to likely be the "bigger pocket" so-to-speak, for the -- for the victim of the abuse to -- to go after for damages. But does the municipality have any -- any recourse to go after any -- any other people who may be at fault in these situations?

MS. WEINSTEIN: Well, certainly the -- the abuser is generally going to have -- be the most at fault, right? So, to the extent they have resources, obviously they would have the ability to -- those resources would be able to be recovered against that -- the abuser themselves.

MR. RA: So, the municipality could then go after --

MS. WEINSTEIN: Sure.

MR. RA: If the abuser --

MS. WEINSTEIN: Yes.

MR. RA: -- did have some financial means to -- to be able to pay the judgment --

MS. WEINSTEIN: Correct.

MR. RA: -- the municipality could go after them for that, correct?

MS. WEINSTEIN: Correct.

MR. RA: All right. Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER DILAN: On the bill.

MR. RA: Thank you. And -- and I think it is important, again, to point out that this doesn't create liability where there is none and there is a -- a pretty stringent standard for when, you know, there would be liability. We're not talking about, you know, particularly run-of-the-mill situations, but, I -- I think there is a concern that has been raised on the municipal side of this equation with the fact that it's likely going to be the abuser who is found most responsible and, you know, it could be 90 percent, 95 percent responsible and the municipality is maybe found 5 or 10 percent responsible, but then would be responsible for the full judgment.

I -- I think, you know, it -- it makes sense that we're trying to ensure that if the burden falls somewhere, that it doesn't fall on the victim, but, you know, the municipality is going to be likely the -- the deepest pocket to go after. And in a situation where there are no, you know, financial means to pay a judgment on -- on the side of the -- of the abuser, when the abuser does not have the financial means to pay the judgment, the full weight of it is going to fall on the municipality. And -- and I know that that is a concern that many

organizations have raised and a reason why some of our colleagues will be voting in the negative.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Read the last section.

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

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05618, Calendar No. 300, Weinstein, Simotas, Glick, Jaffee, Fahy, L. Rosenthal, Perry, Zebrowski, M.G. Miller, Paulin, Titus, Gottfried, Lavine, Colton, Seawright, Bichotte, Burke, Taylor, Griffin. An act to amend the Executive Law, in relation to prohibiting employers from discriminating against victims of domestic violence; and to repeal certain provisions of such law relating thereto.

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

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07395, Calendar No. 315, Weinstein. An act to amend the Family Court Act and the Criminal Procedure Law, in relation to notification of rights of victims of domestic violence in criminal and family court proceedings.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill.

MR. GOODELL: Under current law, every police officer who is investigating a family offense is required to give a notice to the individuals that are involved that give them a statement of what services might be available and what they can request. And the current law, in my opinion, is very well-written and it does a great job. And the -- the section that deals particularly with police officers under current law says if you are a victim of domestic violence, you may request that the officer assist you in a number of things.

So, even though I think we have a very well-written current notice, OCA has felt that they should change it, and when they changed it, this is how they changed the language: Instead of saying you can request the officer to assist you, the new language says, this is what the police can do. And then they list a whole bunch of things.

The police can help you find a place -- a safe place. Or, take you to a friend's house. Or, get your personal dwellings.

So, the -- the difference in the language is the first one says this is what you can request the police to help you do, and the second one says this is what the police can do. And the problem with that is it's going -- we're going to have a lot of problems when people in a family offense are now asking the police to become their chauffeur with the expectation that when a police officer says, *I'm sorry, I -- I can't do that now because I'm tied up, or, I can refer you to somebody else*, they say, *No, wait a minute, the notice you said says you can do this, you can do this, you can do this*. So, the existing language is exactly the right language, in my opinion, and the new language is going to create problems.

But the second interesting thing about this bill is it requires that the notice be given in English, I'm okay with that; Spanish, I'm okay with that. But it also requires a notice be given in Russian or Chinese. It doesn't identify which Chinese dialect, by the way. So, just for fun, I looked it up. How come we're not giving it in any other foreign languages? Are we, like, prejudiced against the Italians, who, by the way, have a third more foreign born Italians in -- in New York State than Russians. I can count on one hand the number of Russians in my district. But why Russian and not Philippines, who have -- Filipinos who have more than Russians. We have more Italians. We have more people from Bangladesh. We have almost two-and-a-half times more from India.

Now, I don't think OCA is involved in collusion with the Russians, but we couldn't certainly ask our New York State Attorney General to investigate that. And I know we're in a trade war with the Chinese, but I still don't understand why this report, by law, would have to be provided in Russian and Chinese and not just simply say, *Look, it'll be in English, Spanish, and if you want some other translation, please ask.* Thank you, sir.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Weinstein to explain her vote.

MS. WEINSTEIN: Thank you, Mr. Speaker, just very briefly. The importance of this legislation is that it was -- this notice was put into place 25 years ago, and we've made numerous changes in the law in terms of protections for domestic violence victims. So this updates the notice relating to the growing list of family offenses and how protection for pets and service animals of victims of domestic violence. It also requires at -- as was stated during the discussion previously, as -- at a minimum, that it be available in English, Spanish, Chinese and Russian. It's only the floor, not -- not the ceiling, so we certainly would hope that OCA would translate into languages that are appropriate for the community. But



it's only availability. It will not be given to someone who doesn't speak that language, but will, in fact, help.

And part of -- the other thing the bill -- this notice will do, it will simplify the English. The original text and -- mind you, this bill passed unanimously last year, the original -- the current notice, you need almost a college -- it's been studied -- you need a college degree to really understand the language. This bill is plainer, simpler English and is designed more for someone in a middle school capacity.

So, I would encourage my colleagues to vote for the bill again this year, as they did last year, and we can help protect victims of domestic violence. I vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Weinstein in the affirmative.

Mr. Goodell.

MR. GOODELL: To explain my vote, sir. When it comes to a statutory requirement that notices be printed in Russian, my vote is *nyet*, or *no*.

ACTING SPEAKER AUBRY: Mr. Goodell in the negative.

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 you

could call on Mr. Otis for an announcement, please.

ACTING SPEAKER AUBRY: Mr. Otis for the purposes of a [sic] announcement.

MR. OTIS: In a nod to "Long Day's Journey into Night", there'll be a Democratic Conference at the conclusion of Session today.

ACTING SPEAKER AUBRY: Democratic Conference, end of Session.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: We have both, Mrs. Peoples-Stokes.

On a motion by Ms. Solages, page 12, Calendar No. 164, Bill No. A.02315, amendments are received and adopted.

Numerous fine resolutions which we will take up with one vote. On the resolutions, all those in favor signify by saying aye; all those opposed say, *nein*. And *nyet*, or whatever Mr. Goodell said.

(Laughter)

The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 394-401 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now

move that the Assembly stand adjourned until 10:00 a.m., Wednesday, May the 15th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 5:23 p.m., the Assembly stood adjourned until Wednesday, May 15th at 10:00 a.m., Wednesday being a Session day.)