

Capital *Update*



A Special Message From

**Assemblyman
Robin
Schimminger**

140th Assembly District

You may want to know...

*A brief listing of new state laws that may affect you,
your family, friends and neighbors*

2012 Legislative Session

Dear Friend,

This year, as in every year, we in the State Legislature considered thousands of bills on a broad range of issues, and, of those, hundreds of proposals have received enough support to be enacted into law. In this report you will find information on a few of the changes that you may not be aware of, but may find it helpful to know about.

All of the measures included here have been passed by both houses of the Legislature, and have been, or can reasonably be expected to be, signed into law by the Governor. Please be aware that some may not become fully effective immediately.

I hope you find this information helpful, and as always, I welcome your thoughts on these or any other issues.

Sincerely,

A handwritten signature in blue ink that reads "Robin Schimminger".

*3514 Delaware Avenue, Kenmore, NY 14217-1298 • 716-873-2540
Room 847, Legislative Office Building, Albany, NY 12248-0001 • 518-455-4767
schimmr@assembly.state.ny.us*

PROTECTING VULNERABLE PERSONS

Last year, the New York Times published an investigative report about problems of abuse, neglect and fraud in state homes and institutions for the developmentally disabled. As a result, the state launched its own investigation into the abuse allegations, and subsequently more than 200 state employees have since been terminated after being found guilty of abuse or neglect. The State Legislature this year enacted a new law that requires the **Office of People with Developmental Disabilities to create an abuse prevention notification system within 180 days**, so that providers have the ability to obtain the prior abuse history of prospective employees or volunteers.



More than 1 million vulnerable New Yorkers are housed in not-for-profit and state-operated, certified or licensed facilities and programs. Legislation passed by

both houses, and anticipated to be signed into law by the Governor, **establishes the Justice Center for the Protection of People With Special Needs, which creates a transparent system to help prevent, investigate and prosecute abuse and neglect through uniform standards and improved practices.**



The New York State Legislature passed legislation that will expand the Vehicle and Traffic Law relating to the regulation width of handicapped accessible parking spaces. Currently, off-street surface parking spaces must be at least eight-feet wide so that vehicles with wheelchair lifts or platforms have enough room to maneuver. However, the legislation passed this year will **also require parking garages and ramps to adhere to the eight-foot width requirement.**

KEEPING US SAFE

The DNA identification index databank is a powerful tool for both preventing and solving crimes and also establishing a defendant's innocence. Currently, convicted offenders who are in the databank have, on average, been convicted of three or more crimes. Because individuals who commit serious crimes also generally commit less serious crimes, we in the State Legislature enacted a new law that **expands the state's DNA registry to include offenders convicted of any felony and any Penal Law misdemeanor.**



According to the New York State Division of Criminal Justice Services, in 2011 there were 5,431 incidents of domestic violence reported in Erie County. Of that number, 469 were reported in the Town and City of Tonawanda, including Kenmore. In Niagara County, there were 1,549 incidents of domestic violence reported, and of those, 252 were reported in North Tonawanda. Residential programs available to victims of domestic violence seeking to get out of their abusive relationships, but needing a place to live during the transition, currently allow victims to stay no more than 90 days, although in special circumstances an extension of another 45 days can be allowed. A measure passed by both houses of the Legislature would **extend the maximum number of days from 135 to 180, allowing additional time to secure permanent housing.**



In an effort to further protect domestic violence victims, the State Legislature passed a package of measures that not only **establishes a Domestic Violence Fatality Review Team**, but also **requires courts to consider risk factors when determining recognizance or bail for a defendant charged with an offense against a family or household**



member. It will also increase penalties for domestic violence offenders who repeatedly commit misdemeanor level offenses by establishing the crime of Aggravated Family Offense, a new class E felony; as well as deny individuals who have been charged with causing the death of their spouse, or were the subject of a restraining order protecting the deceased person, from being eligible to exercise control of the disposition of the deceased's remains. Under provisions in the package, victims will also be allowed to use a substitute mailing address maintained by the N.Y.S. Department of State.

HEALTH & WELLNESS

Approximately 113,000 people nationwide are on the waiting list for organ transplants, and 9,700 of those are New Yorkers. Individuals 18 or older have the ability to consent to making an anatomical gift upon death by registering with the Donate Life Registry. One donor has the ability to save or improve the lives of more than 50 people. In addition to kidney, liver, heart and other major organ transplants, new medical advances have paved the way for various types of tissue donations to enhance the health of individuals. In an effort to increase the number of organ donations, the State Legislature passed legislation known as Lauren's Law, which was named after a 12-year-old who had received a heart transplant and then began advocating for organ donation. The new law will **require individuals who apply for a New York State driver's license to complete the organ donor registry section of the application.** Other ways to consent to the donor registry include signing a consent form when registering to vote; enrolling with the Registry through a local organ procurement organization or tissue bank; mailing a form to the Department of Health; or as of this year, legislation passed by both houses of the Legislature will **allow a person to enroll through the online Registry via electronic signature. This new law will also allow individuals to amend or revoke their registration through the same means.**



Prescription drug abuse is one of our nation's fastest growing problems. According to the Centers for Disease Control and Prevention, more than 15,000 people die each year from overdoses of prescription drug painkillers. In an effort to cut down on the amount of prescription drug abuse, the State Legislature unanimously passed legislation known as **I-STOP, the Internet System for Tracking Over-Prescribing Act, which promotes the safe and effective use of prescription drugs by modernizing the state's existing Prescription Monitoring Program; requiring all prescriptions to be transmitted by electronic means; updating the State's controlled substance schedules; expanding the duties of the workgroup established**



through the Prescription Pain Medication Awareness Program; and requiring the Department of Health (DOH) to establish a safe disposal program to facilitate consumer disposal of unused medications.



According to the Centers for Disease Control, in 2010, 27,550 cases of Bordetella pertussis, or whooping cough, were reported in the United States, and of those, 27 resulted in death, 25 of which were in children younger than one year old. Newborns are at a very high risk of disability or death should they contract whooping cough. In an effort to reduce the exposure of pertussis to newborns, the Legislature passed legislation that would **require general hospitals that have a newborn nursery or provide obstetric services to offer vaccination against Bordetella pertussis to parents and anticipated caregivers of hospitalized newborns.**

CONSUMER PROTECTION

Skin cancer is the most common form of cancer in the United States, affecting nearly 60,000 people each year, according to the Centers for Disease Control. In an effort to help protect young people, the State Legislature passed a new law that will **prohibit tanning facilities from allowing persons 16 and younger from using ultraviolet radiation devices.**



Legislation was also enacted that will **prohibit an owner, operator or employee of a body piercing studio from performing body piercing on a person younger than 18 years of age without written consent from a parent or guardian.**



JOB CREATING INITIATIVES

With the exception of China, most countries neglect their supply of rare earth elements because of the environmental risks associated with their mining and refining. These rare elements are used in the making of high-demand products such as flat-screen TVs, rechargeable batteries, cell phones, computers and automobiles. Research scientists at the University at Buffalo will now have the potential to **accelerate the discovery and commercialization of new advanced synthetic versions of rare earth elements through materials informatics research.** An initiative I led and was successful in gaining enough support to be enacted in the 2012-2013 state budget, **creates a new Center of Excellence in Materials Informatics at UB.**



Each year, a certain amount of power generated by the Niagara Power Project is allocated to the expansion and replacement power programs for companies in Western New York. As a result of a 2010 law I co-sponsored, when such power is unallocated or not used, proceeds from its sale will stay here and be channeled to the Western New York Economic Development Fund for economic development related projects in the region. **The W.N.Y. Power Proceeds Allocation Board, a five-member panel of area residents, was created by a new law this year to determine which businesses and not-for-profit organizations within a 30-mile radius of the Power Project will be awarded funding for buildings, research and development, tourism and other job-creating projects.**



OTHER ITEMS OF INTEREST...

Combat-related mental illness has affected many combat veterans dating back to World Wars I and II, Korea and Vietnam, many of whom still deal with the aftermath of their traumatic wartime experiences today. Since September 11, 2001, more than 85,000 New Yorkers have served in Operation Iraqi Freedom and Operation Enduring Freedom. According to the Iraq and Afghanistan Veterans of America, one in three Iraq veterans and one in nine Afghanistan veterans will face mental health issues like depression, anxiety and/or post-traumatic stress disorder. Legislation approved by both houses of the Legislature would require the New York State Veterans' Affairs Commission, in collaboration with the offices of mental health, alcoholism and substance abuse services, and the

departments of health and labor, **to develop and update an interagency plan to improve outreach, assessment and care for veterans and their families who experience mental health issues or substance abuse problems.**



Legislation I sponsored that has been signed into law will **appoint a non-voting representative of the transit dependent and/or disabled community to the Niagara Frontier Transportation Authority Board of Commissioners.** The new board member, who will be appointed by the Governor, will ensure that the interests of the rider are heard and taken into consideration by the NFTA.