



Capital *Update*

A Special Message From

Assemblyman

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140th Assembly District



You may want to know...

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

2013 Legislative Session

Over the course of this Legislative Session, we in the State Legislature have considered thousands of bills on a broad range of issues, and of those, hundreds of proposals have received enough support to pass both houses and be enacted into law. In this report, I wanted to target a few changes that may be of interest to you, your family or friends.

All of the measures included here have been passed by both houses of the Legislature, and have been, or can be reasonably expected to be, signed into law by the Governor before the end of the year. Please be aware that some of these provisions may not take full effect immediately.

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

Sincerely,

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KEEPING US SAFE

From 2005 to 2011, there had been a 143 percent increase in cell phone-related vehicle crashes in New York State. In 2011 alone, a reported 25,165 fatal and personal injury crashes were a result of distracted driving compared to 4,628 alcohol-related traffic accidents. To combat these growing statistics, we in the New York State Legislature have enacted laws that made the use of portable electronic devices for activities such as texting while driving a primary traffic offense and increased the penalty for using a handheld device while driving from two to three points on a license. Even with these penalties, however, many drivers, especially young people, can't seem to tear themselves away from technology while driving. This past Legislative Session we increased the punishment for texting and driving by **adding convictions for both texting-while-driving and using a hand-held cell phone device to the list of violations for which probationary and junior license holders could have their license or permit suspended for 60 days or revoked.** This new law took effect on June 1, 2013.

More than three years ago, 11 year old Leandra Rosado was killed in a downstate car crash and the driver of the vehicle she was riding in was under the influence of alcohol. So, in 2009 we enacted Leandra's Law, which imposed tough penalties on persons who operate a motor vehicle under the influence of alcohol with children in the vehicle. One of the law's most notable provisions is the required installation of an ignition interlock device on vehicles owned, or operated, by a person convicted of alcohol-related of-



fenses. However, some offenders have been finding ways around the law by transferring ownership of their cars to other people and then driving without an interlock device. This year, a new law signed by the Governor limits the circumstances in which **a court can waive the installation of an interlock device to only when a person under oath attests that he or she is not the owner of a motor vehicle and will**

not operate any vehicle during the restriction period. Lying under oath would be considered perjury. The new law also updates Leandra's Law to **make it a felony to drive drunk on a conditional license, as well as expands the requirements for the use of ignition interlock devices to include youthful offenders found guilty of driving under the influence.**

According to the National Survey on Drug Use and Health, 70 percent of controlled substance prescription abusers get their drugs from a family member or friend. Last year, we in the State Legislature enacted the I-STOP law which overhauled the way prescription drugs are distributed and tracked in New York State. To further combat the prescription drug abuse pandemic, we passed legislation this year that **provides additional avenues for people to properly dispose of unused medications by authorizing pharmacies to establish controlled substances take-back programs.** This bill, once signed into law, will ensure that upon the adoption of corresponding federal regulations, the Department of Health will allow for pharmacy take-back programs.

HEALTH AND WELLNESS UPDATES

The birth of a baby can bring on a range of emotions in a new mother, including what is sometimes called the "baby blues," which commonly includes mood swings and crying spells that fade quickly, according to the Mayo Clinic. The "baby blues" affects between 50 and 80 percent of new mothers. However, some new moms, approximately 10 to 15 percent each year, experience a more severe, longer-lasting form of depression known as postpartum depression. Postpartum depression may not be immediately identified and, if left untreated, could have negative effects on the child and the rest of the family. In an effort to get new mothers suffering from depression the help they need, we enacted legislation that will **develop guidelines for maternal depression screening and create a referral plan, as well as provide public education to promote awareness of and de-stigmatize the condition.**

Congenital heart defects (CHD) are the most common type of birth defect in the United States, affecting nearly 1 percent or 40,000 births per year. Babies with critical congenital heart defects (CCHD) have a much higher risk for death or disability if the heart defect is not detected soon after birth, which often requires surgery within the baby's first year. Current methods used to detect CHDs include prenatal ultrasound screening and repeated clinical ex-



aminations. However, prenatal ultrasound screenings alone identify less than half of all CHD cases. Many newborn lives could potentially be saved by requiring birthing facilities to incorporate pulse oximetry screening, a non-invasive test conducted with sensors, within the first 48 hours after birth. A new law will **require each birthing facility in the state to perform the pulse oximetry screening on newborns.**

The New York Health Care Proxy Law has for years allowed a person the ability to appoint a family member or close friend as an agent to make important health care decisions on his or her behalf should a person lose the ability to do so. This important law that I co-sponsored was enacted to ensure that health care providers follow the wishes of their patients as communicated by their agents. However, many New Yorkers still do not have a health care proxy in place during times when they cannot express their treatment preferences. As a result, their wishes are often unknown, and they might be given medical treatment that they would not want or not be given treatment that matches their choices. To help address this issue, a new law was enacted this year that will **require state agencies to post health care proxy forms on their websites to ensure more New Yorkers have access to these documents.**

PROTECTING VULNERABLE PERSONS

In 2011, Jay J. Bovin, then just an infant, suffered 11 fractured bones and other long-term injuries after his father severely beat him. His father agreed to a plea bargain of third-degree assault and attempted second degree assault and was sentenced to four years in prison. However, Jay J's father, Jeremy Bovin of Cheektowaga, also had a prior 2007 conviction of third degree assault for beating another one of his sons, demonstrating a clear pattern of abuse. But because it was four years prior to Jay J's assault, his first conviction wasn't considered during sentencing. Mr. Bovin's punishment didn't seem to match the severity of his crimes, and so for the past two years, I have co-sponsored legislation dubbed Jay J's Law, which would strengthen penalties against repeat violent offenders. I am happy to report that the legislation has been passed and signed into law and will provide prosecutors and the courts the ability to **look back 10 years when charging and sentencing a suspect for aggravated assault of a child younger than 11**. For repeat offenders, it could bring prison time of up to 25 years.

Individuals with developmental disabilities often rely on others for their ongoing care, health and safety. Earlier this year, however, in order to alleviate a \$1.1 billion reduction in federal funds, the Governor's Executive Budget proposed a \$120 million funding cut to non-profit service providers operating in conjunction with the Office for People With Developmental Disabilities (OPWDD).

The Assembly's budget proposal restored the full amount of the proposed cut, but the final budget agreement with the Senate and the Governor restored just \$30 million. I am happy to report that by the end of the 2013 Legislative Session, both houses approved legislation that will **restore the funding for non-profit service providers which had been cut in the State Office for People With Developmental Disabilities**.

As we unfortunately saw with the horrifying Ariel Castro case in Cleveland, female victims of rape may become pregnant as a result of an attack. Regrettably, current law in many states including New York does not prevent sexual perpetrators from filing a petition for visitation and custody rights of a child conceived as a result of an attack. The only exception under existing New York law is if the person convicted has been found guilty of rape in the first degree with forcible compulsion. This past session, we closed this loophole by passing legislation that will **deny parental rights to sexual perpetrators in instances when a child is born as a result of sexual offenses**. The new law will now prohibit a person convicted of rape in the first or second degree, a course of sexual conduct against a child in the first degree, or predatory sexual assault from being granted custody or visitation rights of the child and will not be entitled to notice of adoption or other social service proceedings.

VETERANS' NEWS

Many military service men and women are exposed to or have experienced combat-related trauma while serving in the armed forces, which places many of them at risk for conditions such as Post Traumatic Stress Disorder, substance abuse or other mental health conditions. Research shows that veterans are twice as likely as the general population to suffer from



these disorders. This past year, the State Office of Alcoholism and Substance Abuse Services (OASAS) treated nearly 14,000 veterans for alcohol addiction and substance abuse, but it is estimated that 75,000 New York veterans suffer from chemical dependency. A new law will **require OASAS to collaborate with the Division of Veterans' Affairs and the Office of Mental Health to ensure that specialized addiction, mental health and recovery services are available to New York's veterans**.

Iraq and Afghanistan war veterans often leave the active-duty military only to find that their well-honed skills developed while in service are not fully utilized by civilian employers, and so they may have a difficult time finding work. Research shows that up to 61 percent of employers do not understand the qualifications that ex-service members have to offer. In an effort to help veterans correlate the skills they have obtained while on

active duty into civilian terms, a new law will **direct the Division of Veterans' Affairs to provide Internet access that will assist non-active service men and women in putting their military occupations into civilian terms**.

Our state and nation have rightly paid tribute to veterans who served during times of war and other armed conflicts. Standing alongside and in the shadows have been the Cold War veterans who "stood watch" and served under the threat of nuclear war and communist domination. These brave and dedicated veterans participated in hundreds of military exercises and operations in the cause of promoting stability and the fall of Communism. No federal campaign decoration exists or was ever commissioned to recognize these veterans. Needless to say, proper recognition is due. Toward that end, the Assembly has passed legislation since 2006 to honor Cold War veterans. This year, I am pleased to report that legislation I co-sponsored to **create a State of New York Cold War Certificate** has passed both houses of the State Legislature and will soon be transmitted to the Governor for his consideration. If you or someone you know is interested in receiving more information, please complete the form below and mail it to my office at 3514 Delaware Ave., Kenmore, NY 14217.

YES, I'd like more information about the NY Cold War Certificate...

Name _____ Address _____

Branch of Service _____ Years Served _____
(please print)

BOOSTING THE ECONOMY

The Niagara Wine Trail has been extremely helpful in attracting wine enthusiasts, tourists and other customers to Niagara County wineries, so successful in fact that more wineries want to join the route. In 2011, the Western New York Regional Economic Development Council awarded the Niagara Wine Trail \$30,000 for new signage along the route. However, because more wineries wanted to be a part of the trail, legislation was needed to re-designate and re-configure the Niagara Wine Trail in order for the signage project to move forward. Legislation that I sponsored has passed both houses of the Legislature and is awaiting the signature of the Governor to **extend the Niagara Wine Trail eastward into adjacent Orleans County, adding additional wineries along the route.**

The new economy is growing in higher education and there is a positive synergy between academia and entrepreneurial activity. A new program dubbed START-UP NY is aimed at fostering entrepreneurialism and job creation across the state. The State University of New York campus system, along with other college communities, will serve as the framework of the START-UP NY program to attract high-tech and other start-ups, venture capital and investments to areas around the state. The program is designed to **facilitate the world-class research and innovation power of New York's higher education sector through tax-free zones aimed at spurring business creation and expansion.**



AND ALSO...

In March 2011, New York State Trooper Kevin Dobson was killed during a routine traffic stop on the Youngmann Highway near the Colvin exit, just three months after the state passed the "Move Over" law, which requires motorists to safely shift lanes to the left when they see an emergency vehicle on the shoulder of the highway with its emergency lights activated. This year, we passed legislation that will **name the I-290 overpass which crosses over Colvin Boulevard in Tonawanda as the "New York State Trooper Kevin Dobson, Sr. Memorial Bridge."** This legislation is meant to honor the memory of Trooper Dobson and serve as a daily reminder to motorists of the dangers that police officers and emergency responders encounter on our highways.

State, local and federal law enforcement agencies have increasingly invested in the creation of K-9 units within their departments.

These dogs are trained specifically to assist police and other law enforcement personnel in their work, including search and rescue missions, as well as drug, arson, cadaver and explosive detection. These animals serve the people of New York through their keen senses and other abilities assisting with police work. Also, mounted police patrolling on horseback are particularly effective for the purposes of crowd control, crime prevention and high visibility policing roles. When police animals are injured or die in the line of duty, the law enforcement department and community as a whole feel the loss. As of November, **a person found guilty of intentionally killing a police work dog or horse while the animal is in the performance of its duties and under the supervision of a police officer will be charged with a class E felony.**