



Assemblymember

**Vivian E.  
Cook**

## Reports to the People

Summer 2012

Dear Neighbors:

The Legislature concluded its 235th Legislative Session on June 21st with a number of major accomplishments, many of which are highlighted in this news report. Working together with Governor Cuomo, we accomplished many goals this past legislative session. We completed legislation that will not only boost New York's business climate, but will help individual families thrive in the great Empire State. As a result, Queens families will benefit from numerous new laws that will reduce their taxes, support their educational needs, and keep their communities safer.

As you may know, in March, I helped pass the second consecutive on-time state budget, which closed the state's \$3.5 billion budget deficit without any new taxes, fees or gimmicks. This year's budget included measures to boost the economy and create jobs, all while holding spending under 2 percent. I worked to make sure we funded programs that help hardworking families find good-paying jobs while rebuilding our state's crumbling infrastructure and supporting Minority- and Women-owned Business Enterprises. Continuing my commitment to give Queens schools the state aid needed to provide our children with a good education, I helped pass a state budget that increases school funding by \$805 million. That funding helped our schools stay within the property tax cap implemented last year. By increasing school aid, we better prepare our students for the jobs of the future and relieve the burden on the property tax. I also helped enact a new teacher evaluation disclosure system that will provide parents with the information they need while protecting teachers' privacy. In the area of higher education, I am pleased to inform you that I have secured funding for the CUNY Research Foundation at the York College Learning Center in the 2012-13 New York State Budget. The York College Learning Center will receive a \$200,000 grant in the new fiscal year.

In addition, I sponsored groundbreaking legislation to overhaul the treatment of over 1 million of our most vulnerable citizens in state-operated, certified, or licensed facilities and programs. The Justice Center for the Protection of People with Special Needs will help protect those with disabilities and special needs, increasing their safety and helping ease their families' minds. This legislation will work to transform the state's system of care and treatment for people with disabilities to ensure that abuse and neglect are not tolerated.

Criminals will now have a harder time slipping through the cracks with the expansion of the DNA database, another law I helped pass to better protect families. Ever since its inception, DNA evidence has changed the way criminal investigations are run and it has helped solve thousands of cases that may have otherwise remained open and unsolved. Expanding the state's DNA database by adding to the list of offenses that require samples from convicted offenders will help our law enforcement keep dangerous criminals off the streets. The law also addresses the concerns and needs of the wrongfully convicted by giving them access to DNA testing and the DNA database, making sure they have the tools needed to exonerate themselves – but also helping law enforcement get the real criminal off the street.

In addition to expanding the DNA database, I fought to keep our children safe from sexual predators by cracking down on online child pornography. We also enhanced protections for victims of domestic violence this year. The new law better protects victims of domestic violence and cracks down on repeat offenders by establishing the crime of "Aggravated Family Offense" as a class E felony to ensure that defendants with a history of domestic violence who repeatedly commit misdemeanor offenses are prosecuted as felons – because if offenders continuously commit "low-level" crimes, they're able to harass victims over and over again. Another measure I helped pass was legislation to protect children from bullies. The measure cracks down on bullying and cyberbullying in our public schools by establishing a mandatory reporting system for all incidents of bullying. It also requires new training for certain school staff. Cyberbullying opens up a whole new realm for students who are subjected to bullying at school. This new law is a major step in the Assembly's ongoing efforts to improve education and promote a safe and secure learning environment.

Please take a moment to read this news report as it contains further information on some of the highlights of our 2012 Legislative Session. A great deal was accomplished this year for the hardworking families of Southeast Queens, and I look forward to continuing to reach out to and hear from those in the community on what to address next. Please feel free to contact me with any questions or concerns you may have at 718-322-3975. Best wishes for a safe and happy summer.

Sincerely,

Vivian E. Cook



### **NYS Association of Black and Puerto Rican Legislators' 2012 Annual Legislative Conference Church Service**

Assemblymember Cook attends the NYS Association of Black and Puerto Rican Legislators' 2012 Annual Legislative Conference Church Service where the Rev. Jesse Jackson was the guest speaker. In photo from left to right: Assemblyman N. Nick Perry, Sen. Ruth Hassell-Thompson, Assemblymember Cook, Rev. Jesse Jackson, Assemblyman Karim Camara, and Assemblymember Vanessa Gibson. The annual conference draws thousands of people throughout the state who attend the weekend event which includes a number of workshops that provide vital information while addressing the concerns of New York State residents.

## LEGISLATION TO CRACK DOWN ON THOSE WHO ACCESS CHILD PORNOGRAPHY ONLINE

The legislature passed a bill Assemblymember Cook sponsored to make it illegal to knowingly access child pornography online—bringing New York into line with federal law (A.10713). This measure is expected to become law.

“Technology is constantly changing and evolving, so we must make sure our laws are updated as well,” Assemblymember Cook said. “This measure would bring New York’s law in line with federal law and protect our children, making it a crime to knowingly access child pornography on the Internet with the intent to view it.”

On May 8, the state Court of Appeals ruled that viewing child pornography on the Internet without taking further action to possess it, such as printing, downloading or saving the files, does not constitute possession of child pornography. Current state law prohibits the possession and promotion of child pornography, but

doesn’t address knowingly viewing or accessing it online, Assemblymember Cook noted.

“Our child pornography laws are not up to date,” Assemblymember Cook said. “The Assembly’s legislation will fix this problem, catch more criminals and make sure justice is served.”

The legislation will make it a class E felony to knowingly access with the intent to view a sexual performance by a child less than 16 years old. In addition, this measure will clarify that attorneys are not guilty of possession of child pornography when such possession is part of the attorney’s representation of a defendant charged with a child pornography crime.

“This legislation will go a long way toward strengthening penalties against sexual predators and protecting our children from these criminals,” Assemblymember Cook said.

## I-STOP LEGISLATION TO CRACK DOWN ON PRESCRIPTION DRUG ABUSE

Assemblymember Cook announced the Assembly passed legislation she sponsored that creates the first real-time prescription-drug database in the country to crack down on prescription-drug abuse and strengthens regulations of certain controlled substances to curb improper use (A.10623). The legislation, known as “I-STOP,” will overhaul the way prescription drugs are administered and tracked in New York State.

“Prescription-drug abuse is an increasingly serious problem that can have devastating effects on Southeast Queens families,” Assemblymember Cook said, adding that according to the Centers for Disease Control and Prevention, over 15,000 people die each year from overdoses of prescription drug painkillers. “It’s often very easy for a person to get the same prescription from two different doctors filled at separate pharmacies, without the doctors or pharmacists knowing. This legislation would prevent that from happening and subsequently keep dangerous doses of drugs out of the hands of abusers.”

### Creating a prescription-drug database

Specifically, the legislation would require the Department of Health (DOH) to establish and maintain a real-time controlled substance database. Currently, practitioners are not required to check the current prescription-drug monitoring program prior to prescribing controlled substances, nor is the current monitoring program updated in real time, making much of its information outdated, Assemblymember Cook noted.

Additionally, this bill would require doctors to review a patient’s controlled substance prescription history on the database prior to prescribing certain controlled substances. It would also grant patients access to personal prescription histories and the ability to dispute inaccurate information if necessary, and task the DOH with tracking who has access to the registry to ensure its confidentiality and privacy.

The legislation requires practitioners to issue electronic-only prescriptions beginning Dec. 31, 2014, with waivers and case-specific exemptions possible under certain circumstances.

“Creating a real-time database for prescription-drug monitoring is a matter of safety,” Assemblymember Cook said. “It would allow doctors and pharmacists to curb what has the potential to be a very serious problem before it starts. It’s a measure that keeps the health and safety of our families a top priority.”

### Further regulating controlled substances

In an attempt to further address the epidemic of improper use of prescription medications, the legislation moves Hydrocodone from a Schedule III to a Schedule II drug to affect the time before a prescription refill can be issued, limiting an initial prescription for this drug to 30 days and not the current 5-refill allotment for first-time patients. The bill would also add the prescription drug Tramadol to Schedule IV on the controlled substance list. Additionally, the DOH will be required to establish a program for the safe disposal of unused controlled substances on a voluntary basis.

“Making sure patients aren’t allowed five refills of serious narcotics without revisiting their doctors for follow-ups is a key step in preventing prescription-drug abuse,” Assemblymember Cook said. “And providing a voluntary and safe disposal program can keep prescription drugs out of the hands of young people or others who have the potential to misuse them.”

The legislation would also require the Prescription Pain Medication Awareness Program workgroup established in the 2012-13 state budget to make recommendations to the Commissioner of Health regarding continuing education requirements for practitioners and pharmacists relating to prescription pain medication awareness and palliative care.



Assemblymember Cook greets guests at the Women’s Caucus Dinner.

## Annual Legislative Women’s Caucus Dinner

The Legislative Women’s Caucus is a bicameral, bipartisan organization of women elected to the New York State Legislature. Through the Caucus, women legislators work to improve the representation and participation of women in all areas of government, support issues that affect and benefit women and families in New York State, and provide a network of support for women in the State Legislature. Since its inception in 1983, the Caucus has advocated for programs and services that benefit women by working closely with women’s organizations, the Executive Branch, state agencies and concerned individuals across the state.



Assemblymember Cook, Secretary of the Legislative Women’s Caucus, presents Ms. Judy Rapfogel with the Legislative Women’s Caucus Award.



Assemblymember Cook with Assemblymember Michele Titus, Chair of the Legislative Women’s Caucus, at the Annual Dinner.

## ASSEMBLY GETS TOUGH ON BULLIES

### *New law establishes mandatory reporting system and staff training*

Assemblymember Cook recently sponsored legislation that cracks down on bullying and cyberbullying in public schools and was signed into law by the Governor, Chapter 102. Expanding on the Dignity for All Students Act, the law will establish a mandatory reporting system for all incidents of bullying and new training for certain school staff.

“In today’s age of 24-hour connectivity and social networking, there is no escape for students who are subjected to cyberbullying,” Assemblymember Cook said. “Bullying that begins in school can follow them home and contribute to low self-esteem, academic problems, delinquent behavior and, tragically, violence and suicide. These new guidelines for combating cyberbullying will ensure a safe and secure learning environment for all our students both in and out of school.”

The new law sets up a system that ensures no incidents of bullying go unaddressed, Assemblymember Cook said. All school staff will be required to report any incident of bullying or cyberbullying to the school principal or superintendent within one school day of the occurrence and submit a written report of the incident within three school days. Parents and students will also be able submit reports if they become aware of bullying and the principal or superintendent will be required to investigate all reports. Law enforcement must be contacted if any incident includes suspected criminal activity.

Schools will also be required to establish official guidelines for balanced and age-appropriate responses to harassment, bullying or discrimination, with detailed remedies and procedures, Assemblymember Cook said. Members of the school community, including staff, parents and students, will receive a copy of the policy annually,

including instructions on how parents and students can report bullying to school administration.

“Every parent and student should know exactly what schools are doing to combat this serious issue and where they can go if they are having problems,” Assemblymember Cook said. “With these new guidelines in place, schools will have a clear policy to keep students safe and promote a strong learning environment.”

The law also includes guidelines for a number of training programs. All new applicants for any classroom teacher, school counselor, school psychologist, school social worker, school administrator or supervisor or superintendent of schools will be required to complete training on the social patterns of harassment, bullying and discrimination. All current staff and students from kindergarten through 12th grade will have to attend bullying education classes and receive Internet instruction as well, Assemblymember Cook noted.

In New York State, nearly 16 percent of all students and nearly 21 percent of girls are subject to cyberbullying through email, chat rooms, instant messaging, social networking websites, texting or other electronic means every year. As many as 28 percent of all students in the United States experience some form of bullying.

“This new law is a major step in the Assembly’s ongoing efforts to improve education and promote a safe and secure learning environment,” Assemblymember Cook said. “No child should have to fear continued harassment and embarrassment from cyberbullying. This law ensures parents, students and staff all have the tools they need to combat this serious issue.”

## TEACHER EVALUATION ENACTED

### *Measure balances parents’ right to know and teacher privacy*

The Assembly passed a bill Assemblymember Cook sponsored that would require the results of the Annual Professional Performance Reviews (APPRs) of teachers and principals to be disclosed to parents. The bill was signed into law by the Governor, Chapter 68.

“Teacher evaluations are a tool to improve teaching and learning and to help make sure our kids get the best education possible,” Assemblymember Cook said. “Parents have a right to the record of their child’s teacher and school evaluations, but teachers also have the right to privacy. This law strikes a balance, ensuring that parents get all the information they need, while at the same time ensuring that the names of teachers are not made public.”

Specifically, the law would:

- Require school districts and Boards of Cooperative Educational Services (BOCES) to fully disclose and release to the public the final quality ratings of the APPRs of its teachers and principals;
- Require the State Education Department (SED) to fully disclose APPR data on its website and by other means to make the data widely available to the public and suitable for research and analysis;

- Require school districts and BOCES to fully disclose and release to the parents or guardians the final rating for each of the teachers and for the principal of the school building to which the student is assigned for the current school year;
- Require SED and each school district and BOCES to ensure that any public release of APPR data does not contain personally identifying information for any teacher or principal; and
- Ensure that SED can collect the data and materials it needs to meet its Race to the Top obligations and carry out its other functions and duties.

“It’s important that these evaluations are transparent so that we can provide the best education possible to our children, but it would be inappropriate to make teachers’ names and ratings public,” Assemblymember Cook said. “It’s not done with any other public-service job, and it shouldn’t be done with our teachers.”

The law takes into consideration the newness of the teacher-evaluation process and remains sensitive to the needs of students, parents and teachers alike, Assemblymember Cook noted.

## BILL TO CRACK DOWN ON REPEAT DOMESTIC VIOLENCE OFFENDERS

### *Measure will better protect victims*

Assemblymember Cook announced that the Assembly passed a bill that she sponsored enhancing protections for victims of domestic violence (A.10624). The bill will better protect victims of domestic violence and crack down on repeat offenders.

The Assembly’s legislation establishes the crime of “Aggravated Family Offense” as a class E felony to ensure that defendants with a history of domestic violence who repeatedly commit misdemeanor offenses are prosecuted as felons. The legislation also establishes a new class A misdemeanor of “Aggravated Harassment in the Second Degree” when a person causes physical injury to another person or to a family or household member of the person. The legislation also allows courts to consider prior violations of an order of protection when determining the defendant’s bail.

“When offenders repeatedly commit ‘low-level’ crimes, they are able to continue to harass victims and cause them fear,” Assemblymember Cook said. “This legislation ensures that repeat offenders are subject to harsher penalties—up to four years in state prison—as opposed to the current maximum sentence of one year in the local jail.” Additionally, the multi-faceted legislation will:

- Require the Office for the Prevention of Domestic Violence (OPDV) to establish a domestic violence fatality review team to examine factors involved in domestic violence deaths and near-deaths;
- Strengthen and broaden the Address Confidentiality Program (ACP)—which allows victims attempting to escape from ac-

tual or threatened domestic violence to establish new mailing addresses with the secretary of state in order to prevent abusers from finding them;

- Permit victims of domestic violence to obtain information from their health insurance companies by alternative means or at alternative locations, and prohibit insurers from publicly disclosing the address, telephone number or other information without direct consent from the policyholder; and
- Prohibit a person who is the subject of an order of protection associated with a deceased person, or who has been charged with causing the death of the deceased person, from having control of the disposition of the deceased’s remains.

“Domestic violence is a physically and emotionally devastating crime,” Assemblymember Cook said. “The measures included in this legislation continue our efforts to crack down on domestic violence.”

Earlier this year, the Assembly passed a package of bills to increase protections for victims of domestic violence and passed a resolution that urged the New York State congressional delegation to reauthorize the federal Violence Against Women Act.

“Making sure that victims of domestic violence have the protections they deserve and that offenders get the penalties they deserve will continue to be my focus,” Assemblymember Cook said. “The Assembly’s comprehensive legislation sends a clear message: New York is not a state that will tolerate domestic violence.”

## LAUREN'S LAW TO SPUR ORGAN DONOR REGISTRATION

Assemblymember Cook announced the Assembly passed a bill she sponsored to increase New York State organ donor registration and save lives (A.10039-B). The legislation is known as "Lauren's Law."

"Nationally, New York State is at the bottom of the ranks when it comes to organ-donor registration, which is a serious problem because last year alone we had over 10,000 New Yorkers waiting for organs," Assemblymember Cook said. "The lack of registered organ donors in our state has become a matter of life and death for those waiting for transplants."

According to the New York State Organ Donor Network, only 19 percent of eligible donors are currently enrolled in the New York State Organ and Tissue Registry, which pales in comparison to the national average of 43 percent – and which is much less than states like Utah and Iowa that have donor designation rates between 65-70 percent, Assemblymember Cook noted.

Lauren's Law – named after 12-year-old Lauren Shields, a heart-transplant recipient who has since become an advocate for organ donation – will create a new model for organ and tissue donation that should significantly increase the percentage of registered donors in New York State. The law will require individuals who apply for a New York State driver's license to complete the organ donor registry section of the application. Further, the law remains sensitive to the individual rights of those who do not wish to register in the Organ and Tissue Registry by providing an option to "skip this question," Assemblymember Cook said.

"The goal with Lauren's Law is simple: Make registration as easy as possible, increase the number of registered donors and save the lives of New Yorkers," Assemblymember Cook said. "Ours is a state that leads the nation time and time again on all sorts of important issues, but, unfortunately, we lag in organ donation registration. Lauren's Law will help move us in the right direction."

## JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS

*Protecting more than 1 million of our most vulnerable New Yorkers*

Assemblymember Cook announced the Assembly passed groundbreaking legislation to overhaul the treatment of over 1 million vulnerable New Yorkers in state-operated, certified or licensed facilities and programs. The legislation establishes the Justice Center for the Protection of People with Special Needs, creating a transparent system to help prevent, investigate and prosecute abuse and neglect through uniform standards and improved practices (A.10721). The measure has the support of the governor and the Senate.

"The Justice Center will help protect New Yorkers with disabilities and special needs and help put loved ones at ease," Assemblymember Cook said. "Our legislation will go a long way in transforming the Empire State's system for the care and treatment of people with disabilities, ensuring that abuse and neglect will no longer be able to slip through the cracks."

### *Structure of the Justice Center*

The newly created Justice Center will contain a special prosecutor and inspector general who will have the same authority as district attorneys and will head investigations of reported abuse and neglect, as well as prosecute allegations that rise to the level of a criminal offense.

Additionally, under the legislation, the Justice Center will:

- Require the designation of an independent entity to provide independent advocacy to individuals with disabilities and their families regarding obtaining support and services; legal assistance; and responding to the inquiries and complaints from individuals and their families relating to quality of care;
- Establish an advisory council of at least 15 members to provide guidance to the Justice Center in the development of policies, programs and regulations;
- Establish a 24/7 hotline monitored and run by trained professionals;
- Launch a comprehensive statewide da-

tabase to track all reports of abuse and neglect, which will also be used to analyze and determine abuse patterns and trends to better prevent abuse in the future and improve training methods;

- Create a statewide register of employees guilty of the most serious conduct, banning all future employment with people with disabilities or special needs;
- Develop standards and requirements for investigations done by the Justice Center; and
- Establish a code of conduct with ethical standards that all individuals working with people with special needs must uphold.

"For too long, the civil rights of more than 1 million of our most vulnerable citizens have not had the level of protections they need and deserve—but that ends here," Assemblymember Cook said. "The abuse and neglect of people with disabilities is appalling and will not be tolerated."

Under the agreement, four categories are defined for substantiated reports of abuse or neglect and will be used in determining discipline of employees. All employees and volunteers who fail to report abuse, neglect or a significant incident are subject to immediate termination, while licensed professionals would be subject to a class A misdemeanor.

### *Providing services to families and increasing transparency*

In an effort to ensure that the families of those in state care have access to the quality services they need, the Assembly's legislation establishes the Protection and Advocacy Agency, an independent agency to perform the federal Protection and Advocacy and Client Assistance programs. It will help individuals with disabilities and their families obtain support services, legal assistance and respond to concerns relating to their quality of care.

Additionally, the legislation provides people with special needs who are in-

involved in a complaint, as well as their parents, guardians, or anyone legally responsible for them, with access to both substantiated and unsubstantiated reports of abuse and neglect. These reports may also be passed along to their attorney.

### *Strengthening oversight and prosecutors' power*

The legislation will also place more power in prosecutors' hands by creating a new misdemeanor punishable by up to one year behind bars and increasing the existing crime of endangering the welfare of an incompetent or physically disabled person to a class E felony punishable by up to three years in prison. Additionally, individuals in a residential facility under the jurisdiction of the Office for People with Developmental Disabilities, the Office of Mental Health and the Office of Alcoholism and Substance Abuse Services will not be able to consent to sex with an employee, giving prosecutors the ability to prove any sexual activity was non-consensual, Assemblymember Cook said.

"This legislation will make New York State a national leader in our standards for caring for people with special needs; we'll also lead the nation for the strictest oversight of those who mistreat service recipients, making sure justice is served for every offense," Assemblymember Cook said. "Higher standards for those working in facilities and programs are pivotal for reforming the way we take care of our individuals with disabilities."

The Assembly Majority has long advocated stronger standards for the treatment of people with disabilities and special needs. Last year, the Assembly took the lead to shed light on abuse of individuals served by the Office for People with Developmental Disabilities (OPWDD) by holding a series of statewide public hearings. "The hearings produced countless testimonies that begged for higher standards for the treatment of people with special needs," Assemblymember Cook noted.



## Assemblymember Vivian E. Cook

142-15 Rockaway Boulevard • Jamaica, NY 11436 • 718-322-3975  
Room 939, LOB • Albany, NY 12248 • 518-455-4203

[cookv@assembly.state.ny.us](mailto:cookv@assembly.state.ny.us)

