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Committee Assignment: Assembly Freedom 1

Bill #: AF-01

**Sponsors:** Ben McNutt and Aidan Kendrick

**AN ACT TO:** Amend § 353 of Article 26 of the Agriculture and Markets Law to create a registry for those who are convicted animal cruelty and subsequently prohibit certain registrants from owning animals for a set period of time.

*The People of the State of New York, represented in the Senate and Assembly, do enact as follows:*

**PURPOSE:**

We initiate this bill to create an online registry that those who are convicted of animal cruelty are legally required to enter their information into, in conjunction with prohibiting abusive individuals from legally owning animals for a determined period of time based on the number and severity of animal cruelty related offenses they commit.

**SUMMARY OF PROVISIONS:**

**Section 1:** Definitions

Animal: In ordinary use, animal means all living beings except humans.

Animal Cruelty: The crime of inflicting physical pain, suffering or death on an animal, usually a tame one, beyond necessity for normal discipline. It can include neglect that is so monstrous (withholding food and water) that the animal has suffered, died or been put in imminent danger of death. (Animal abuse and animal cruelty are interchangeable terms).

Registry: A place where registers or records are kept.

Prohibition: The action of forbidding something, especially by law.

Ownership: The act, state, or right of possessing something, in this case an animal.

**Section 2:**

§ 353. Overdriving, torturing and injuring animals; failure to provide proper sustenance. A person who overdrives, overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame, and whether belonging to himself or to another, or deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink, or who wilfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, is guilty of a class A misdemeanor and for purposes of paragraph (b) of subdivision one of section 160.10 of the criminal procedure law, shall be treated as a misdemeanor defined in the penal law. Any individual convicted of these crimes will be legally required to have their



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information added to the animal cruelty registry as described in § 353-g. Any second conviction of this offense within five years of an initial conviction will be considered aggravated cruelty, a felony as defined in § 353-a.

§ 353-a. Aggravated cruelty to animals. A person is guilty of aggravated cruelty to animals when, with no justifiable purpose, he or she intentionally kills or intentionally causes serious physical injury to a companion animal with aggravated cruelty. For purposes of this section, "aggravated cruelty" shall mean conduct which: (i) is intended to cause extreme physical pain, (ii) is done or carried out in an especially depraved or sadistic manner; or (iii) is convicted of cruelty to animals for a second time within five years of an initial conviction.

3. Aggravated cruelty to animals is a felony. A defendant convicted of this offense shall be sentenced pursuant to paragraph (b) of subdivision one of section 55.10 of the penal law provided, however, that any term of imprisonment imposed for violation of this section shall be a definite sentence, which may not exceed two years. Convicted individuals will also be fined between \$1,000 and \$2,500.

§ 353-g. Creation of an online registry for those convicted animal cruelty. Any individual convicted of an offense or violation relating to § 353 including § 353-a through § 353-f will be legally required to have their personal information added to the registry. This information will include full name, address, date of birth, related original conviction, an ID photo, and contact information such as phone number and main email address. This information will be archived on the registry and accessible to the public. The registry will display indication of if an individual is prohibited from owning an animal, and the date that their prohibition starts and ends. An individual whom is acquitted of animal cruelty following conviction and registration will be removed from the registry.

2. Any individual convicted of aggravated animal cruelty will be prohibited from owning an animal for two years following conviction. This prohibition of animal ownership will only relate to the type of animal the individual committed cruelty towards, being a companion animal or farm animal as defined in § 353. Any individual prohibited from owning a companion animal for any amount of time will have all companion animals under the individuals ownership or care seized by authorities and distributed to another rightful owner or animal shelter. If an individual prohibited from owning an animal is caught owning an animal within those two years, or; an individual receives a second conviction of aggravated cruelty at any point, the individual is barred from owning an animal (companion and or farm) for ten years. Any third conviction, or; an individual caught owning an animal within the ten years they are prohibited, relating to either farm animals or companion animals as defined in § 353 will be permanently prohibited from owning either type of animal in New York State. Following a third conviction or violation of



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prohibition of ownership, all animals, both farm and companion, will be seized from the owner and distributed to other rightful owners, animal shelters, or other locations or individuals as authorities find fit for the circumstance. Any individual prohibited from owning animals will have their prohibition and time prohibited displayed alongside their information on the animal cruelty registry.

3. Any individual or organization selling animals are legally prohibited from selling animals to those who are prohibited from owning animals. Any individual or organization who sells to someone an animal whom is prohibited from owning one will be punished with a \$1000 fine. A second violation of this law will result in an additional fine of \$2,500. After a third violation of this law, an individual or organization will have their selling license suspended for six months and receive a \$5,000 fine. A fourth violation will have the individual or organization's selling license be permanently revoked and they will receive another \$5,000 fine.

**JUSTIFICATION:**

Animal abusers commit horrid and despicable acts which harm countless innocent animals every year across the world. In 2016, the Royal Society for the Prevention of Cruelty to Animals (RSPCA) reported an approximate 149,604 cases of animal abuse and cruelty in the United Kingdom, and those were only the reported cases. The establishment of an animal cruelty registry would help to protect animals by acting as a deterrent for abusers by having those convicted be registered in a publicly accessible database. This database will deter people from selling to individuals convicted of cruelty to animals. This registry would be modelled similarly to that of the already introduced sex offenders registry, however, adapted to better suit individuals convicted of animal abuse. Even with the registry, many animals would still end up in the wrong and harmful hands. By prohibiting individuals convicted of felony animal cruelty from owning animals and showing their prohibition on the registry, the amount of animals forced to suffer by repeated abusers will decrease. With a small cost for startup and maintenance of this registry in relation to state budget, and prohibition of repeated and harsh animal abusers from owning animals, this legislation will overall help society with the protection of animals from those who wish to do them harm with little downside.

**FISCAL IMPLICATIONS:**

There would be an approximate startup cost of \$425,000 in the first year and an approximate \$85,000 cost for maintenance annually. These costs are modelled after the Sex Offender Registration and Notification Act.

**EFFECTIVE DATE:**

This bill shall go into effect one year following passage.



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Committee Assignment: Assembly Freedom 1

Bill #: AF-02

**Sponsors:** Allison Caines, Ally Cottier, and Sophia Fusilli

**An Act To** Amend Family Court act § 301.2 to change the requirements to be considered a juvenile delinquent.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

**Purpose**

The purpose of this bill is to change the minimum legal age of juvy from seven to eleven and change the maximum age to 17. This bill protects the rights of children. Instead of children going to a juvenile detention center, they would receive therapy.

**Summary of Provisions**

**Section 1:Definitions**

**Juvenile detention:** A place administered and operated by a department responsible for juvenile justice, where young people under the age of 18 years are detained while under the supervision of the department on a pre-sentence or sentenced detention episode.

**Violent crimes:** In the FBI's Uniform Crime Reporting (UCR) Program, violent crime is composed of four offenses: murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault. Violent crimes are defined in the UCR Program as those offenses which involve force or threat of force.

**Property crimes:** In the FBI's Uniform Crime Reporting (UCR) Program, property crime includes the offenses of burglary, larceny-theft, motor vehicle theft, and arson. The object of the theft-type offenses is the taking of money or property, but there is no force or threat of force against the victims. The property crime category includes arson because the offense involves the destruction of property; however, arson victims may be subjected to force. Because of limited participation and varying collection procedures by local law enforcement agencies, only limited data are available for arson. Arson statistics are included in trend, clearance, and arrest tables throughout *Crime in the United States*, but they are not included in any estimated volume data.

**Section 2:Provisions**

**"Juvenile delinquent"** means a person over seven and less than sixteen years of age, who, having committed an act that would constitute a crime if committed by an adult, (a) is not criminally responsible for such conduct by reason of infancy, or (b) is the defendant in an action ordered removed from a criminal court to the family court pursuant to article seven hundred twenty-five of the criminal procedure law.



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Bill #: AF-02

**Justification**

The current age for a person to be considered a juvenile delinquent is seven to sixteen. This bill is justified because at the age of seven, children don't know right from wrong so they should not be punished for a crime that they can not fully comprehend. If a child commits a crime at such a young age, they're family and home life probably have an impact on how the child acts. Also, a legal adult in the United States is eighteen years old. Therefore, children ages sixteen and seventeen should not be put into adult prisons. Most importantly, 50% - 75% of children who have served time in juvenile detention centers are incarcerated later in life.

**Fiscal Implications**

Each therapy session is \$75-\$200 and each child will require an average of 16 sessions. The average number of crimes committed by children under age eleven per year is 80. Therefore, it will cost the state \$95,000 - \$256,000 annually

**Effective Date**

This law will be put into effect one year after passage.



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Committee Assignment: Assembly Freedom 1

Bill #: AF-03

**Sponsors:** Edward Gubelman, Ryan McBride, Michael Rice

#### **An Act To**

Amend § 901.00 of the New York State Public Health Law by adding subdivision 10 to mandate a six-month suspension from all school sports and gym after being diagnosed with post-concussion syndrome (PCS).

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

#### **Purpose**

To insure all school children diagnosed with (PCS) are safe by implementing a six-month suspension from all school sports and gym starting from the time of diagnosis.

#### **Summary of Provisions**

##### Section 1: Definitions

Post-concussion syndrome: a complex disorder with various symptoms such as headaches, dizziness, and nausea.

Chronic Traumatic Encephalopathy: a progressive degenerative disease of the brain found in people with history of repetitive brain trauma (often athletes), including symptomatic concussions as well as asymptomatic sub concussive hits to the head that do not cause symptoms.

##### Section 2:

§ 901.00. The Legislature finds and declares the following:

1.) Meeting the educational needs of student athletes should be a priority for intercollegiate athletic programs.

2.) New York's institutions of higher education that participate in Division I and Division II intercollegiate athletics collectively generate millions of dollars annually in media contracts, and this revenue would not exist without the efforts of student athletes.

3.) Student athletes generate large revenues for many athletic programs, spend approximately forty hours per week participating in their respective sports, and suffer current and historically low graduation rates.

4.) Providing adequate health and safety protection for student athletes can help prevent serious injury and death.

5.) Current and former student athletes can be left to pay for medical expenses incurred from injuries suffered while participating in intercollegiate athletics.

6.) Institutions of higher education should provide their student athletes with the same due process protection afforded to students who do not participate in athletics.

7.) Athletic programs in this state are subject to federal gender equity Requirements under Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.).

8.) An institution of higher education should not punish any student Athlete for transferring to another institution of higher education.

45 9.) An institution of higher education should not use funds of this part that are  
46 dedicated for the benefit of the general Student body.

47 10.) All student athletes diagnosed with (PCS) must wait six months before  
48 returning to physical education.

49 **Justification**

50 Unfortunately, concussions have risen by two hundred percent in teens ages  
51 fourteen through nineteen just in the last decade. Approximately five point three  
52 million people are living with a concussion or post-concussion syndrome (PCS)  
53 without them knowing. Furthermore, sixty seven percent of people who return to  
54 sports sooner than their doctor's recommendations are diagnosed with another  
55 concussion or other traumatic brain injuries such as Chronic Traumatic  
56 Encephalopathy (CTE).

57 **Fiscal Implications**

58 There are no fiscal Implications for this bill

59 **Effective Date**

60 This bill will go into effect six months after its passage.





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Committee Assignment: Assembly Freedom 1

Bill #: AF-04

**Sponsors:** Kaitlin Burke, Summer Foy, Gabrielle Mowery, Chelsea Speranza

**An Act To** Have a nurse's overtime pay begin after 40 regularly scheduled hours per 7 day work week under Subsection 2 of Section 167 of NYS labor laws.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

#### **Purpose**

The purpose of this bill is to limit how nurses can be overworked by employers and give nurses a set standard for their working hours.

#### **Summary of Provisions**

##### **Section 1**

a. "Health care employer" shall mean any individual, partnership, association, corporation, limited liability company or any person or group of persons acting directly or indirectly on behalf of or in the interest of the employer, which provides health care services (i) in a facility licensed or operated pursuant to article twenty-eight of the public health law, including any facility operated by the state, a political subdivision or a public corporation as defined by section sixty-six of the general construction law, or (ii) in a facility operated by the state, a political subdivision or a public corporation.

b. "Nurse" shall mean a registered professional nurse or a licensed practical nurse as defined by article one hundred thirty-nine of the education law who provides direct patient care.

c. "Regularly scheduled work hours", including pre-scheduled on-call time and the time spent for the purpose of communicating shift reports regarding patient status necessary to ensure patient safety, shall mean those hours a nurse has agreed to work and is normally scheduled to work pursuant to the budgeted hours allocated to the nurse's position by the health care employer.

##### **Section 2**

2. a. Notwithstanding any other provision of law no health care employer shall require a nurse to work more than that nurse's regularly scheduled work hours up to forty hours there after receiving overtime pay during a 7 day time period, except pursuant to subdivision three of this section.

#### **Justification**

Nurses are constantly being overworked without being recognized. Many occupations currently have set standards for their working hours. These including less labor intensive jobs. The current bill regulates employers of not enforcing mandatory overtime hours, our bill looks to send a standard for these hours.

#### **Fiscal Implications**

This bill would altering the income of nurses, most likely increasing their pay due to them currently being overworked. This would not change where the funds for a nurses pay would come from but increase this pay for the increase in labor.

**Effective Date** This bill will go into effect one year after its passage.





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Committee Assignment: Assembly Freedom 1

Bill #: AF-05

**Sponsors:** Marco Reggiardo, Aidan Knoebel, Kenan Kapetanovic, Julian Brooks

#### **An Act To**

Amend § 1311 of Article 13-A of the New York State Law regarding Civil Forfeiture in relation to authorities retaining personal property for law enforcement purposes.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

#### **Purpose**

To decrease the amount of time it takes for someone's assets to be returned to them after they have been proven innocent in a court of law.

#### **Summary of Provisions**

##### **Section 1**

Grounded: In law, grounds refer to a rational motive, basis for a belief or conviction, for an action taken, such as a legal action or argument; reason or cause.

Forfeiture: the loss or giving up of something as a penalty for wrongdoing

**Section 2** § 1311 (a) Actions relating to post-conviction forfeiture crimes. An action relating to a post-conviction forfeiture crime must be grounded upon a conviction of a felony defined in subdivision five of section one thousand three hundred ten of this article, or upon criminal activity arising from a common scheme or plan of which such a conviction is a part, or upon a count of an indictment or information alleging a felony which was dismissed at the time of a plea of guilty to a felony in satisfaction of such count. A court may not grant forfeiture until such conviction has occurred. However, an action may be commenced, and a court may grant a provisional remedy provided under this article, prior to such conviction having occurred. An action under this paragraph must be dismissed at any time after ~~sixty~~ seven days of the commencement of the action unless the conviction upon which the action is grounded has occurred, or an indictment or information upon which the asserted conviction is to be based is pending in a superior court. An action under this paragraph shall be stayed during the pendency of a criminal action which is related to it; provided, however, that such stay shall not prevent the granting or continuance of any provisional remedy provided under this article or any other provisions of law.

#### **Justification**

Civil Asset Forfeiture allows state and local law enforcement agencies to retain more seized equipment, after court approval, reduce the cost of state and local governments by reducing auction, inventory, and storage costs of seized property and the cost to purchase new office equipment and other seized properties. Law enforcement officials are allowed to claim personal property just from the suspicion



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of illegal actions. The law enforcement is then allowed to charge the property with the offence, not the owner, and they are allowed to keep it for themselves. What we are looking to do is to change the intentions and guidelines of this bill. Recently, officers are taking advantage of this law on the common people, and since it does not require a conviction it is used 87% of the time over Criminal Forfeiture in police raids and stops. This is all allowed without convicting any person, only the property, and law enforcement officials are permitted to keep 100% of the person's property.

Our proposal is to shorten the amount of time it takes for someone's assets to be returned to them after they are declared innocent of the crime they were suspected of committing. The person whose property is being charged will be brought to court and a defendant will be provided for them if they can't afford one themselves. If proven innocent, the defendant's assets that was taken by the law enforcement must be totally reimbursed in a matter of seven days. If proven guilty, the law enforcement will be allowed to keep the the assets obtained.

#### **Fiscal Implications**

Passing this bill will minimally cost the New York State. The only reason why it would cost New York State is because of having to pay the officials who take care of this process since it will have to be done in a shorter amount of time.

#### **Effective Date**

This bill will go immediately into effect on January 1st of the year after passage.



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Committee Assignment: Assembly Freedom 1

Bill #: AF-06

**Sponsors:** Ava Anderson, June McCarthy, Ryan Morris, Haley Mason

#### **An Act To**

Amend section § 1129 of the Vehicle and Traffic law to add section (d) to compel drivers to pull over when six or more cars are behind them.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

#### **Purpose**

This bill will compel any driver who has six or more cars behind them to pull over and let the cars pass them to ensure the safety on the roadways.

#### **Summary of Provisions**

(c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

#### **Section 1**

Single lane road: any road where there is only one lane traffic any direction.

Road rage: violent anger caused by the stress and frustration involved in driving a motor vehicle in difficult conditions on the road.

#### **Section 2**

The driver of a motor vehicle, on a single lane road, who is impeding other motor vehicles from driving at their desired speed, must pull over if they are traveling at a speed less than the speed limit when six or more cars have lined up behind them. A fine of between \$50 - \$150 will be imposed for violating this law.

#### **Justification**

If the driver has 6 or more cars behind them, they should pull over and let the others go by. This will decrease the rates of accidents involving vehicles. Many times, car accidents involve road rage. This bill would help eliminate the factors of these accidents. In New York state there are a lot of well known situations that have caused road rage. One of them is speed, not everyone drives at the same speed, but it could be dangerous because it could affect other drivers on the road. If someone likes driving fast and they have been following a slower car, the slower car should let the faster car pass.

#### **Fiscal Implications**

New York State could benefit from the fines for violating this law.

#### **Effective Date**

This bill shall go into effect on January 1, 2020.



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Committee Assignment: Assembly Freedom 1

Bill #: AF-07

**Sponsors:** Calvin Jean, Sophia Waters, Madison Catania, Matthew Murrell

**An Act To**

Amend section § 33-0902. of the New York State Agriculture and Markets Law to state that all food products sold must be labeled with the pesticides and herbicides used in the process

*The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

**Purpose**

To mandate labeling of all pesticides and herbicides used in products grown in New York for the purpose of informing buyers of what is in their food.

**Summary of Provisions**

**Section 1: Definitions**

**Pesticide:** a substance used for destroying insects or other organisms harmful to cultivated plants or to animals.

**Herbicides:** a substance that is toxic to plants and is used to destroy unwanted vegetation

**Section 2: Provisions**

**§ 33-0902. Display and storage of pesticides offered for retail sale.**

**1. Requirements for display and storage of general use pesticides offered for sale in retail food selling establishments.**

**a. All general use pesticide products which are offered for sale and sold in retail food selling establishments shall be: (1) displayed in a manner that clearly identifies the products as pesticides; (2) isolated from food products in a manner that prevents contamination from pesticide product spills, leaks or air emissions; and (3) stored in locked areas which: (i) are structurally separated from office and general work areas and posted with pesticide storage warning signs; (ii) have adequate vapor venting capability; (iii) are capable of containing spills of the total volume stored; (iv) have appropriate fire, spill and first aid containment equipment; (v) have emergency water supplies; and (vi) segregated by pesticide function, flammability and combustibility, in manufacturer's original container with clear labeling.**

**b. Restricted use pesticides shall not be sold in retail food selling establishments.**

**c. All persons having access to the storage area for general use pesticides shall be trained in appropriate safety and emergency procedures for the pesticides stored.**

**d. All sellers of pesticides in retail food selling establishments shall annually notify the local fire department of the types, quantities and location of pesticides stored, provide the local fire departments, rescue squads and local hospitals with their emergency response plan and maintain a current inventory of the pesticides in storage.**

e. Local governments may regulate general use pesticide display and storage in retail food selling establishments, as authorized by this section, more restrictively than the commissioner.

2. Requirements for display and storage of pesticides offered for sale in non-food selling establishments. a. Retail establishments which offer for sale and sell general use pesticide products but do not sell food, shall meet all requirements contained in subdivision one of this section, except that restricted use pesticides may be offered for sale and sold if the business has a valid commercial permit issued by the commissioner.

b. Retail establishments offering for sale or selling restricted use pesticides shall meet the storage requirements in subdivision one of this section, and in addition, shall meet the following requirements: (1) restricted use pesticides on display shall be kept physically separated from general use products and clearly marked as restricted use pesticides; and (2)

at the discretion of the local fire or health department.

restricted use pesticides may be required to be stored separately according to their combustibility, flammability or ignitability in a separate building or separated from the remainder of the building by fire-resistant walls and doors or their equivalent, in appropriate container pile volumes, aisle spacing and distances from property boundaries.

c. Local governments may regulate general and restricted use pesticide display and storage in retail establishments which do not sell food, as authorized by this section, more restrictively than the commissioner. However, the commissioner shall retain authority to regulate the sale of restricted use pesticides by commercial permit, pursuant to section 33-0901 of this title.

#### **Justification**

People should know about the dangerous chemicals that are put into their food and be able to make an educated decision based on the information given to them. Companies should be held accountable by forcing them to inform the public therefore making them hesitant to put dangerous chemicals in their bodies. This can also be a way of shifting the public from buying foods that can damage your health to organic foods or foods that benefit you. Overall, this bill will help in decreasing the number of companies that overstep their boundaries while contributing in making the residents of New York state healthier. The labels will make the citizens of New York more informed on what they are allowing into their bodies.

#### **Fiscal Implications**

The bill will not affect New York state budget but will make companies be responsible for labeling.

#### **Effective Date**

This bill will go into effect the year after it has been passed by New York state legislature.



Committee Assignment: Assembly Freedom 2

Bill #: AF-08

**Sponsors:** Madeline DeLorenzo, Marvin Dobert, Nyla Green, Mackenzie Roberts

**An Act To**

Amend New York State Domestic Relations Law Title 8, § 123 to allow commercial surrogacy in New York State

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

**Purpose**

The purpose of this bill is to allow people to instill contracts and become commercial surrogates. This will ensure that those who can not get pregnant due to infertility or health issues, or are unable to have children because of homosexual relations shall have the right to chose the women who are fulling, willing and agreeing to carry their unborn children.

**Summary of Provisions**

**Section 1**

**Definitions**

1. Birth mother: a woman who gives birth to a child pursuant to a surrogate parenting contract.

2. Genetic father: shall mean a man who provides sperm for the birth of a child born pursuant to a surrogate parenting contract.

3. Genetic mother: shall mean a woman who provides an ovum for the birth of a child born pursuant to a surrogate parenting contract.

4. Surrogate parenting contract: shall mean any agreement, oral or written, in which:

(a) a woman agrees either to be inseminated with the sperm of a man who is not her husband or to be impregnated with an embryo that is the product of an ovum fertilized with the sperm of a man who is not her husband; and

(b) the woman agrees to, or intends to, surrender or consent to the adoption of the child born as a result of such insemination or impregnation.

**Section 2**

1. Any ~~no~~ person or other entity ~~shall~~ may knowingly request, accept, receive, pay or give any fee, compensation or other remuneration, directly or indirectly, in connection with any surrogate parenting contract, or induce, arrange or otherwise assist in arranging a surrogate parenting contract for a fee, compensation or other remuneration, ~~except for:~~

~~—(a) payments in connection with the adoption of a child permitted by subdivision six of section three hundred seventy-four of the social services law and disclosed pursuant to subdivision eight of section one hundred fifteen of this chapter; or~~



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~~(b) payments for reasonable and actual medical fees and hospital expenses for artificial insemination or in vitro fertilization services incurred by the mother in connection with the birth of the child.~~

~~2. (a) A birth mother or her husband, a genetic father and his wife, and, if the genetic mother is not the birth mother, the genetic mother and her husband who violate this section shall be subject to a civil penalty not to exceed five hundred dollars.~~

~~(b) Any other person or entity who or which induces, arranges or otherwise assists in the formation of a surrogate parenting contract for a fee, compensation or other remuneration or otherwise violates this section shall be subject to a civil penalty not to exceed ten thousand dollars and forfeiture to the state of any such fee, compensation or remuneration in accordance with the provisions of subdivision (a) of section seven thousand two hundred one of the civil practice law and rules, for the first such offense. Any person or entity who or which induces, arranges or otherwise assists in the formation of a surrogate parenting contract for a fee, compensation or other remuneration or otherwise violates this section, after having been once subject to a civil penalty for violating this section, shall be guilty of a felony.~~

### **Justification**

Surrogacy is another option for persons unable to have their own children or not wanting to give birth. As long as there is an agreeing contract between the surrogate and the birth parents. Legalizing it will also create more jobs and allow the state to tax on the industry. Surrogacy will provide more options and accommodations to a wide range of people.

### **Fiscal Implications**

The cost of surrogacy can cost anywhere from 90,000 to 130,000 dollars depending on the individual. With this being legal in New York state there could be tax placed on the sale and could bring in revenue for the state. There would be no cost to the state there would only be revenue coming.

### **Effective Date**

This bill would go effect one year after its passage.





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Committee Assignment: Assembly Freedom 2

Bill #: AF-09

**Sponsors:** Mickayla Fitzpatrick and Harmony Hamilton

**AN ACT To:** Amend the executive and judiciary law, in relation to access to services, law enforcement and counsel in certain immigration related matters; and to amend the judiciary law, to make New York State a Sanctuary State.

*The People of the State of New York, represented in the Senate and Assembly, do enact as follows:*

**PURPOSE:**

To protect undocumented immigrants from deportation pursuant to federal law, so they have a chance to apply for legal status and seek social and medical service if necessary.

**SUMMARY OF PROVISIONS:**

Section 1:

Section 319 - Definitions

319 - a. Undocumented immigrant: A foreigner who has entered or resides in a country unlawfully, without proper proof of citizenship, or lawful entry via a VISA.

319 - b. VISA: An endorsement on a passport indicating that the holder is allowed to enter, leave, or stay for a specified period of time in a country.

319 - c. Proper proof of citizenship: Social Security Card, Certificate of Citizenship, Standard US Birth Certificate, Passport, State ID, Residents Card, Etc.

319 - d. Sanctuary State: A space where local law enforcement doesn't follow the federal laws or changes of law that deal with unwanted foreigners.

319 - e. Emergency services: Food, shelter and medical; basic necessities everyone needs in order to survive.

Section 2:

The executive law is amended to add a new article 15-AA regarding relations with immigrant communities and detention of certain persons.

1. Ensure that people are not unnecessarily questioned about immigration status when seeking state or local services, benefits or assistance
2. Establish that state or local law enforcement agencies shall not stop, question, investigate or arrest a person based on perceived immigration status or suspected violation of federal immigration law
3. Generally prohibit law enforcement agencies from inquiring about the immigration status of persons contacting such agencies when in need of assistance, including victims and witnesses
4. Prohibit the detention of individuals based on administratively-issued immigration detainers and require notification to an individual if an immigration detainer or related request has been filed
5. Social Service and health care agencies can only ask for the identity of these individuals and not immigration status.
6. Legal Aid will be provided.



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Committee Assignment: Assembly Freedom 2

Bill #: AF-09

**JUSTIFICATION:**

Regrettably, some persons in New York State are reluctant to interact with state and local agencies out of fear of mistrust. Regardless of individual immigration status, these persons are concerned with the possible immigration-related consequences for themselves or family members upon interacting with law enforcement or other agencies that provide vital services and benefits. While much of immigration law is established at the federal level, there are policies that can be enacted by New York to ensure that persons are not stereotyped, profiled or deterred from accessing services for which they may be eligible. People in New York should not be afraid to report crime to the police or seek benefits or services for which they are eligible.

**FISCAL IMPLICATIONS:**

Our state's economy will be affected in a positive way since these persons contribute to the state's GDP.

**EFFECTIVE DATE:** One year after passage



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Committee Assignment: Assembly Freedom 2

Bill #: AF-10

**Sponsors:** Armand Chancellor, Casey Kriss

#### **An Act To**

Amend § 400.00 subdivision 1 of the New York State Tax Law to place a tax on guns that do not have smart technology.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

#### **Purpose**

To mandate a tax on New York State guns that do not have smart technology.

#### **Summary of Provisions**

##### **Section 1: Definitions**

**Sin Tax:** a tax on items considered undesirable or harmful, such as alcohol or tobacco.

**Smart Tech:** a monitoring system including computer hard disk drives (HDDs) and solid-state drives (SSDs) that detects and reports on various indicators of drive reliability, with the intent of enabling the anticipation of hardware failures.

**Smart Guns:** a smart gun, or personalized gun, is a firearm that includes a safety feature or features that allow it to fire only when activated by an authorized user. These safety features can prevent misuse, accidental shootings, gun thefts, use of the weapon against the owner, and self-harm.

##### **Section 2:**

§ 400.00 Licenses to carry, possess, repair and dispose of firearms. Eligibility

1.) No license shall be issued or renewed except for an applicant (a) twenty-one years of age or older, provided, however, that where such applicant has been honorably discharged from the United States army, navy, marine corps, air force or coast guard, or the national guard of the state of New York, no such age restriction shall apply; (b) of good moral character; (c) who has not been convicted anywhere of a felony or a serious offense; (d) who is not a fugitive from justice; (e) who is not an unlawful user of or addicted to any controlled substance as defined in section 21 U.S.C. 802; (f) who being an alien (i) is not illegally or unlawfully in the United States or (ii) has not been admitted to the United States under a nonimmigrant visa subject to the exception in 18 U.S.C. 922 (y) (2); (g) who has not been discharged from the Armed Forces under dishonorable conditions; (h) who, having been a citizen of the United States, has not renounced his or her citizenship; (i) who has stated whether he or she has ever suffered any mental illness; (j) who has not been involuntarily committed to a facility under the jurisdiction of an office of the department of mental hygiene pursuant to article nine or fifteen of the mental hygiene law, article seven hundred thirty or section 330.20 of the criminal procedure law, section four hundred two or five hundred eight of the correction law, section 322.2 or 353.4 of the family court act, or has not been civilly confined in a secure treatment facility pursuant to article ten of the mental hygiene law; (k) who has not had a license revoked or who is not under a suspension or ineligibility order issued pursuant to the provisions of section

530.14 of the criminal procedure law or section eight hundred forty-two-a of the family court act; (l) in the county of Westchester, who has successfully completed a firearms safety course and test as evidenced by a certificate of completion issued in his or her name and endorsed and affirmed under the penalties of perjury by a duly authorized instructor, except that: (i) persons who are honorably discharged from the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York, and produce evidence of official qualification in firearms during the term of service are not required to have completed those hours of a firearms safety course pertaining to the safe use, carrying, possession, maintenance and storage of a firearm; and (ii) persons who were licensed to possess a pistol or revolver prior to the effective date of this paragraph are not required to have completed a firearms safety course and test; (m) who has not had a guardian appointed for him or her pursuant to any provision of state law, based on a determination that as a result of marked subnormal intelligence, mental illness, incapacity, condition or disease, he or she lacks the mental capacity to contract or manage his or her own affairs; and (n) concerning whom no good cause exists for the denial of the license. No person shall engage in the business of gunsmith or dealer in firearms unless licensed pursuant to this section. An applicant to engage in such business shall also be a citizen of the United States, more than twenty-one years of age and maintain a place of business in the city or county where the license is issued. For such business, if the applicant is a firm or partnership, each member thereof shall comply with all of the requirements set forth in this subdivision and if the applicant is a corporation, each officer thereof shall so comply. A tax equal to the price of smart gun technology at that time is paid or smart technology is purchased for the weapon.

#### **Justification**

On average, thirteen kids are killed or injured each day by accidental gun shootings. Smart gun technology would prevent this by letting the owner authorize fingerprints of people they want to use their guns. The authorization of fingerprints would also help decrease cases of gun theft and usage of stolen firearms that have been seen to escalate in recent years. However, this bill will not only increase the distribution of life saving technology, but will also tax guns that don't have smart gun enhancements. In addition, the tax will be equivalent to the price of said smart guns. As a state, it is time we make the decision to save lives, and this bill will do just that.

#### **Fiscal Implications**

The tax will be equivalent to the existing price of smart gun technology. New York State will receive the monetary benefits of this tax unless the firearm possesses smart gun technology. In this case, the tax will be waived. The current cost of smart technology per firearm is one thousand eight hundred dollars.

#### **Effective Date**

This bill will go into effect four years after its passage.



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Committee Assignment: Assembly Freedom 2

Bill #: AF-11

**Sponsors:** Rian Bisson, Christopher Cardillo, Patrick Fries, Joseph Ricottone

## **An Act To:**

Amend sections one and two of the New York Consolidated Laws, Penal Law - PEN § 220.78 to protect the parties of prostitution from criminal charges if one party should witness a life-threatening situation and contact emergency services.

***The People of the State of New York, represented in the Senate and***

***Assembly do enact as follows:***

## **Purpose:**

This bill will allow participants in prostitution to contact emergency services without risk of criminal charges in order to help prevent violence, rape, and other crimes that target prostitutes.

## **Summary of Provisions**

### **Section 1: Definitions**

Drug/Alcohol Overdose or Overdose(fully defined in section 3): a condition

resulting from the consumption of alcohol or a controlled substance that counts as an overdose according to a qualified professional and requires healthcare services

Healthcare(fully defined in section 3): services provided to a person experiencing an overdose by a health care professional who can make qualified decisions and actions

Prostitution: the commission by a person of any natural or unnatural sexual act, deviate sexual intercourse, or sexual contact for monetary consideration or other thing of value.

### **Section 2: Provisions**

1. A person who, in good faith, seeks health care or emergency services for someone who is experiencing a drug or alcohol overdose, or is victim as a direct result of prostitution to a violent crime, sexual assault, abuse, or other life threatening medical emergency shall not be charged or prosecuted for prostitution, promoting prostitution, patronizing a person for prostitution, a controlled substance offense under article two hundred twenty or a marihuana offense under article two hundred twenty-one of this title, other than an offense involving sale for consideration or other benefit or gain, or charged or prosecuted for possession of alcohol by a person under age twenty-one years under section sixty-five-c of the alcoholic beverage control law, or for possession of drug paraphernalia under article thirty-nine of the general business law, with respect to any controlled substance, marihuana, alcohol or paraphernalia that was obtained as a result of such seeking or receiving of health care.

2. A person who is experiencing a drug or alcohol overdose, is victim as a direct result of prostitution to a violent crime, sexual assault, abuse, or other life threatening medical emergency and, in good faith, seeks health care or emergency services for himself or herself or is the subject of such a good faith request for health care, shall not be charged or prosecuted for prostitution, a controlled substance offense under this article or a marihuana offense under article two hundred twenty-one of this title, other than an offense involving sale for consideration or other benefit or gain, or charged or prosecuted for possession of alcohol by a person under age twenty-one years under section sixty-five-c of the

alcoholic beverage control law, or for possession of drug paraphernalia under article thirty-nine of the general business law, with respect to any substance, marihuana, alcohol or paraphernalia that was obtained as a result of such seeking or receiving of health care.

3. Definitions. As used in this section the following terms shall have the following meanings:

(a) "Drug or alcohol overdose" or "overdose" means an acute condition including, but not limited to, physical illness, coma, mania, hysteria or death, which is the result of consumption or use of a controlled substance or alcohol and relates to an adverse reaction to or the quantity of the controlled substance or alcohol or a substance with which the controlled substance or alcohol was combined; provided that a patient's condition shall be deemed to be a drug or alcohol overdose if a prudent layperson, possessing an average knowledge of medicine and health, could reasonably believe that the condition is in fact a drug or alcohol overdose and (except as to death) requires health care.

(b) "Health care" means the professional services provided to a person experiencing a drug or alcohol overdose by a health care professional licensed, registered or certified under title eight of the education law or article thirty of the public health law who, acting within his or her lawful scope of practice, may provide diagnosis, treatment or emergency services for a person experiencing a drug or alcohol overdose.

4. It shall be an affirmative defense to a criminal sale controlled substance offense under this article or a criminal sale of marihuana offense under article two hundred twenty-one of this title, not covered by subdivision one or two of this section, with respect to any controlled substance or marihuana which was obtained as a result of such seeking or receiving of health care, that:

(a) the defendant, in good faith, seeks health care for someone or for him or herself who is experiencing a drug or alcohol overdose or other life threatening medical emergency; and

(b) the defendant has no prior conviction for the commission or attempted commission of a class A-I, A-II or B felony under this article.

5. Nothing in this section shall be construed to bar the admissibility of any evidence in connection with the investigation and prosecution of

a crime with regard to another defendant who does not independently qualify for the bar to prosecution or for the affirmative defense; nor with regard to other crimes committed by a person who otherwise qualifies under this section; nor shall anything in this section be construed to bar any seizure pursuant to law, including but not limited to pursuant to section thirty-three hundred eighty-seven of the public health law.

6. The bar to prosecution described in subdivisions one and two of this section

shall not apply to the prosecution of a class A-I felony under this article, and the affirmative defense described in subdivision four of this section shall not apply to the prosecution of a class A-I or A-II felony under this article

## **Justification**

Abuse, rape, trafficking, and domestic violence have become very vocalized and imminent problems in the United States recently. A large population of victims of these types of crimes are prostitutes. All prostitutes can be victims of these crimes, but women who are trafficked and abused in greater quantity have a higher risk, and because of an inability to call 911 in an emergency without getting charged with prostitution, these victims are silent. By protecting the prostitute from prosecution in the state of an emergency, the quantity of silent victims would decrease. Prostitutes live in a dangerous environment they are more than likely unable to alter. By granting them as well as possibly patrons or organizers of prostitution immunity, this environment would become less dangerous without encouraging the industry to thrive. This amended bill will improve and possibly save the lives of many people in need.

## **Fiscal Implications**

There are no fiscal implications for this bill.

## **Effective Date**

This bill would be effective on passage.







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Committee Assignment:

Bill #:

**Sponsors:** Matthew Vlacich, Victoria Guzzi, Jacob Taylor

#### **An Act To**

Amend § 1110.00 subdivision 3 of the New York State Public Health Law to mandate water fountain lead tests in all New York State public schools every six months.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

#### **Purpose**

To mandate water fountain lead tests in all New York State public schools.

#### **Summary of Provisions**

##### **Section 1: Definitions**

**Lead Contamination:** the buildup of lead in the body over the course of months or years.

##### **Section 2:**

§ 1110.00. School potable water testing and standards

2.) Where a finding of lead contamination is made, the affected school district shall: (a) continue first-drawn tap water testing pursuant to regulations promulgated pursuant to this section; (b) provide school occupants with an adequate supply of safe, potable water for drinking as required by rules and regulations of the department until future tests indicate lead levels pursuant to regulations promulgated pursuant to this section; and (c) provide parents or persons in parental relation to a child attending said school with written notification of test results as well as posting such test results on the school district's website.

3.) First-drawn tap testing shall be ~~not being required for school buildings that have been deemed "lead-free" as defined by section 1417 of the federal safe drinking water act.~~ required every six months in all New York State public schools.

4.) The commissioner, in consultation with the commissioner of education, shall promulgate regulations to carry out the provisions of this section. Notwithstanding any other provision of law to the contrary, the regulations promulgated with regard to lead levels shall be consistent with the requirements for those school district classified as a public water system under parts 141 and 142 of title 40 of the code of federal regulations as such regulations may, from time to time, be amended.

#### **Justification**

By having school water fountains tested for lead contamination every six months, students will be granted with a variety of health benefits. For example, frequent lead tests will prevent students from consuming contaminated water and experiencing the many illnesses associated with it. The consumption of too much lead has been found to lead to learning difficulties, weight loss, hearing loss, and even seizures. Unfortunately, over fourteen percent of school water fountains have been reported of having lead contamination. Therefore, it is it time we address this matter not only for the state, but for the futures of our children as well.

#### **Fiscal Implications**

46 Most public schools have free or reduced prices when getting lead tests; however, if  
47 a school doesn't have a free or reduced price, it will cost approximately \$400 per  
48 school. That of which would come directly from the school budget and would cost  
49 taxpayers nothing.

50 **Effective Date**

51 This bill will go into effect one year after passage.



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Committee Assignment: Assembly Freedom 2

Bill #: AF-13

**Sponsors:** Marissa Anselmi, Alanah Fitzgerald, Olivia Flynn, Ciara Timoney

**AN ACT TO:** Amend New York State Vehicle & Traffic Law Section 506 (1) to require that individuals over the age of 70 retake their driver's test.

*The People of the State of New York, represented in the  
Senate and Assembly, do enact as follows:*

**Purpose:**

Mandate any individual in New York State at the age of 65, unless however it is the discretion of the commissioner to require a re-evaluation, to retake the road test.

**Section 1**

Road Test- a test of the performance of a vehicle or engine on the road

Re-Evaluation- the action of assessing or evaluating something again or differently

**Section 2**

New York State Vehicle & Traffic Law Section 506 (1) states that: "If the Commissioner has "reasonable grounds" to believe that a person holding a license is not qualified to drive a motor vehicle, the Commissioner may require such person submit to an examination to determine their qualifications." Reasonable grounds will now be defined to include any individuals above 65. In New York State drivers are required to take an eyesight test when they reach an age where they must renew their license. This is currently the only test that is taken to ensure the driver's safety in New York State. Police officers by the Police Agency Request for Driver Review, physicians and other individuals are also able to report drivers that may need a medical reevaluation. Adding the age requirement for a re-evaluated road test can reduce the amount of dangers on the roads caused by drivers over the age of 65. Drivers the age of 65 and over are a danger to pedestrians and other drivers, so they should be retested to prove they are not a danger.

**Justification**

Adding this age requirement can reduce car accidents in New York caused by drivers 65 and older. Drivers over the age of 65 start to have impairments including eyesight and their reaction time increases, meaning they take a longer time to react and make decisions while driving. These factors cause a danger to the driver, passengers, and other drivers on the roads. Over the past year, 14 million Americans aged 18 to 64 were estimated to be involved in accidents caused by drivers aged 65 and over. The re-evaluation of this test The re-evaluation is to test drivers on whether they are still able to drive safely, and if they fail their license will be taken away. The driver only has to retake the road test itself, not the 5 hour course or the written permit test.

**Effective Date:**

This bill will go into effect a year after passage.

**Fiscal Implications:**

10 Dollars per re-evaluation



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Committee Assignment: Assembly Freedom 2

Bill #: AF-14

**Sponsors:** Finn Brauer, Scott Cottier, Alex Garcia, and Andrew Parsnip

**An Act To**

Amend Article 200 Sections 11 & 12 of the New York State Penal Law to change the punishment for public office bribery felonies.

*The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

**Purpose**

To include the punishments of forfeiture of office; disqualification from holding future public office, to class B and C felonies of Article 200 Sections 11 & 12.

**Summary of Provisions**

**Section 1: Definitions**

**Bribery:** The act of receiving of a monetary benefit in exchange for something.

**Forfeiture:** The forced giving up of something.

**Public Office:** An elected or appointed position of authority or service involving responsibility to the public, within the government.

**Disqualification:** Ineligibility or the reprimand of something.

**Section 2: Provisions**

Section 2 Penal Law 200.11 Bribe receiving in the second degree and 200.12 Bribe receiving in the first degree. A public servant is guilty of bribe receiving in the second degree when he or she solicits, accepts or agrees to accept any benefit valued in excess of five thousand dollars from another person upon an agreement or understanding that his or her vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced. Bribe receiving in the second degree is a class C felony and includes forfeiture of public office;

disqualified from holding future public office. A public servant is guilty of bribe receiving in the first degree when he or she solicits, accepts or agrees to accept: (a) any benefit from another person upon an agreement or understanding that his or her vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced in the investigation, arrest, detention, prosecution or incarceration of any person for the commission or alleged commission of a class A felony defined in article two hundred twenty of this part or an attempt to commit any such class A felony; or (b) any benefit valued in excess of one hundred thousand dollars from another person upon an agreement or



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Committee Assignment: Assembly Freedom 2

Bill #: AF-14

1 understanding that such public servant's vote, opinion, judgment, action, decision  
2 or exercise of discretion as a public servant will thereby be influenced. Bribe  
3 receiving in the first degree is a class B felony and includes forfeiture of public  
4 office; disqualification from holding future public office.  
5

6 **Justification**

7 Over the past 12 years, 41 elected officials have been convicted of felonies,  
8 misdemeanors or violations in New York State. From 2008-2017, 30 bribery cases  
9 have been reported in New York State, according to Dr. Jeffrey Milyo and Scott  
10 Delhommer, which is more than any other state during this period of time. Since  
11 2012, 16 lawmakers have been removed from office after being convicted of a  
12 crime. The most recent removal, former Senate Majority Leader Dean Skelos, the  
13 fifth straight New York State Majority leader to be formally charged with bribery  
14 and illegal dealings while in office. Over these past years over 4 million dollars has  
15 been loitered by these corrupt political officials.  
16

17 **Fiscal Implications**

18 This bill has no fiscal implications.  
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20 **Effective Date**

21 This bill will go into effect two years after its passage.  
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Committee Assignment: Assembly Freedom 2

Bill #: AF-15

**Sponsors:** Kara Hausam, Becca Los, Francesca Marrapodi, and Rachel Nacheman

**AN ACT TO:** Provide minors with support, and guidance, as they become an adult, and are no longer supported by foster care.

*The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

#### **Purpose**

Provide an opportunity for minors living in foster homes to be informed of options before they turn 18, and are released from this system. Also, to have social workers check on young adults once a month, after being released from foster care, to ensure safety and stability throughout the transition.

#### **Summary of Provisions**

##### **Section 1: Definitions**

**Social Workers:** trained personnel who works with the aim of alleviating the conditions of those in need of help or welfare.

**Social Services:** government services provided for the benefit of the community, such as education, medical care, and housing

**Ward of the State:** In law, a ward is someone placed under the protection of a legal guardian. **A court may take responsibility for the legal protection of an individual**, usually either a child or incapacitated person, in which case that individual is known as a ward of the court or a ward of the state

**Case Worker:** a person whose job it is to do social work directly concerned with individuals, especially that involving a study of a person's family history and personal circumstances.

##### **Section 2:**

- All New York state's social service departments will have their case workers meet with kids in the guardianship of foster parents every month for an hour with individuals and between the ages of 17 and 18.
- All caseworkers will be assigned to their own clients whom they've worked with since they became a ward of the state.
- In these meetings, caseworkers should inform their clients of options for jobs, housing, higher education(college), and extra services to help the young adults financially such as loans. They should also help their clients develop goals, and a plan for when they are an adult.
- After the minor becomes an adult and is no longer a ward of the state, their caseworker will still meet with them once a month, until the caseworker believes in there and a stable, safe living situation.
- These meetings will be scheduled by caseworkers. Taking into consideration availability, in the schedules of their clients.
- The caseworker will continue to meet with their client, until they have a steady income, and housing. After five years, if the individual still does not attain these things, the caseworker shall stop meeting with this individual,



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Committee Assignment: Assembly Freedom 2

Bill #: AF-15

but refer them to other services, which they can utilize if they wish.

**Justification**

There are 25,397 children in a Foster Care in New York State, and 400,000 in America as a whole. Each year, more than 20,000 kids age out of the system. Before turning 18 they are being cared for by a Foster family and attending school. When these kids turn 18 they need to subsist by themselves. This is because they're no longer a ward of this state, and no longer have the opportunity to be supported by Foster parents. When this happens, the goal of the caseworker is to reunite the family with the child. For the majority of the children that does not work (because it is an unhealthy environment, or they do not wish to reunite) and they are forced to provide for themselves at a very young age. There is a law in affect called the John H. Chafee Foster Care Independence Program. This program provides former foster care minors in New York State with 5,000 per year to provide a smooth transition. But it is proven only 13% use these resources, and most still have difficulties soon after they turn 18. This is because at this point these kid's goals and plans seem unattainable and they are discouraged from pursuing their goals, they have no guidance, and most have no role models. This is when many make life changing decisions. These include that there is a less than 3% chance for children who aged out of the system to earn a college degree at any point in their lives. Close to half are unemployed, 25% become homeless, 75% of young women become pregnant, 60% of young men had been convicted of a crime, and 80% had been arrested. All of these occur before they age to 24. The most of these issues can be avoided by a few simple meetings, with their case workers during the transition from guardianship of a Foster parent to full independence. These meetings will allow these young adults to become more successful and independent. From this they could become aware of their options and opportunities instead of just given money. It wouldn't be hard to incorporate this into a case workers daily job and the only fiscal disadvantage would be that the workers would get paid for longer hours.

**Fiscal Implications**

The social workers who participate in this service will receive additional hours, and therefore additional pay at the same hourly wage given originally. This will be a total of 57,600 hours, and a total of \$1,332,288. This money will come out of the same grants used by the John H. Chafee Foster Care Independence Program. The Children's Bureau (ACYF/CB) incudes thousands of grants which will be applied to in order to attain the funding for these services.

**Effective Date**

This bill shall go into effect immediately following its passage. Young adults already in foster care when this bill is passed should begin to receive these services as well.





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Committee Assignment: Assembly Freedom 3

Bill #: AF-16

**Sponsors:** Robert Henn, David Maceroni, Ryan Collins

#### **An Act To**

Amend § 265.01-b of the New York State Penal Law by adding subdivision 3 to prohibit firearm ownership of persons convicted of committing a Hate Crime.

*The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

#### **Purpose**

To prohibit firearm ownership for those who commit a hate crime in New York State.

#### **Summary of Provisions**

##### **Section 1: Definitions**

**Hate Crime:** a crime in which a person is intentionally selected because of belief or perception regarding race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct.

**Firearm:** any loaded weapon, from which a shot readily capable of producing death or serious physical injury, may be discharged.

##### **Section 2:**

§ 265.01-b. A person is guilty of criminal possession of a firearm when he or she:

(1.) possesses any firearm or;

(2.) lawfully possesses a firearm prior to the effective date of the chapter of the laws of two thousand thirteen which added this section subject to registration requirements of subdivision sixteen-a of section 400.00 of this chapter knowingly fails to register such firearm pursuant to such subdivision or;

(3.) has been convicted of a hate crime in which, (a) said person cannot own a firearm (b) said person cannot purchase a firearm (c) and must revoke their firearms and licenses to own said firearms at any New York State county or municipal firearms licensing bureau.

#### **Justification**

Over the years, hate crimes have contributed to some of the most violent public protests and cases of civil outburst in U.S history. In New York State alone, statewide FBI reports have shown that seven thousand people were victims of a hate crime through physical means. Therefore, the question lies, how many of these victims would be alive today if those committing said hate crimes were in possession of a firearm? Those who physically harm or threaten anyone on the base of race, national origin, ancestry, gender, religion, age, disability, or sexual orientation, should not be allowed to possess or purchase a firearm.

#### **Fiscal Implications**

There are no fiscal implications for this bill.

#### **Effective Date**

This bill will go into effect one year after its passage.



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Committee Assignment: Assembly Freedom 5

Bill #: AF-17

**Sponsors:** Daniel Marinaccio, Sasha Marshall, Gabriela Abreu, Sam Brown

**An Act To:** Amend TRA § 140-d. to implement a roundabout where there is an intersection surpassing 45 accidents per year and is approved by a team of engineers.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

**Purpose**

The purpose of our bill is to transition dangerous intersections into a roundabout to stop further preventable motor vehicle accidents from occurring on the road.

**Summary of Provisions**

**Section 1: Definitions**

**Roundabout-** A circular intersection where drivers travel counterclockwise around a center island.

**Circulatory Roadway-** The roadway within a circular intersection on which traffic travels in a counterclockwise direction around an island in the center of the circular intersection.

**Intersection-** Any place where two or more than two roads intersect or meet each other at grade

**Motor Vehicle Accident-** The unintended collision of one motor vehicle with another, a stationary object, or person, resulting in injuries, death and/or loss of property.

**Yield-** Yield means let other road users go first. A yield sign assigns the right-of-way to traffic in certain intersections. If you see a yield sign ahead, be prepared to let other drivers crossing your road take the right-of-way.

**Major Street-** Typically the intersecting street with greater traffic volume, larger cross section, and higher functional class.

**Minor Street-** Typically the intersecting street with less traffic volume, smaller cross section, and lower function class.

**Section 2: Provisions**

TRA § 140-d. Roundabout. A circular intersection which is characterized by a circulatory roadway with counterclockwise movement, channelized approaches, low speeds, and yield control of entering traffic. A roundabout encompasses the area bounded by the outermost curb line or, if there is no curb, the edge of the pavement, and includes crosswalks on any entering or exiting roadway. A roundabout shall be installed at any intersection where more than forty-five motor vehicle accidents occur over any twelve month period.



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Committee Assignment: Assembly Freedom 5

Bill #: AF-17

**Justification**

Transforming a hazardous outdated intersection into a roundabout is ethically, morally, and fiscally the most outstanding solution perceivable. For every intersection evolved into a roundabout would save the state and county money, prevent human causality/ injury, and contribute to the economy. In accordance with the annual reports performed by the Federal Highway Administration forty percent of the two point five million car accidents nationally occur at intersections, roundabouts would reduce this by thirty seven percent, as stated by the Insurance Institute of Highway Administration. Roundabouts also reduce the probability of fatal accidents by ninety percent, seventy percent in cases of serious injury, and a forty percent reduction in pedestrian collision. This is a result of the roundabouts ingenious design relying on its one way travel that reduces the average speed to fifteen to twenty mph, and removes the need to "beat" a red light. Additionally, roundabouts reduce traffic delays by twenty according to a study performed by Kansas University. Roundabout transitions also eliminate potential lawsuits from being filed against the state/county for negligently condoning dangerous intersections, once again saving the taxpayers money. Also economically, an infrastructure project, such as the building of various roundabouts provides jobs that stimulating the local economy. Roundabout have also been found to promote a healthy business environment due to their aesthetic appeal and innate ability to ease pedestrian and motor vehicle traffic, as described in a study done by the town of Arinello, Colorado. With the passing of this law the state of New York would save money, lives, and taxpayers a whole lot of grief.

**Fiscal Implications**

Once forty-five accidents have occurred at any given intersection the cost of the annual accidents negates the funds required for a roundabout transition. Estimated costs of converting an intersection to a roundabout are one million three hundred and fifty thousand dollars. The immediate funds required will derive from the existing budget of ten point eight billion dollars allocated to The New York State Department Of Transportation. The engineers required to assess whether or not a roundabout is a viable solution to any given intersection exceeding forty five accidents annually will come at no additional cost, as the duty can be fulfilled by existing engineers within The New York State Department of Transportation. The Commonwealth of New York will be saving one hundred twenty thousand dollars annually from each roundabout transition.

**Effective Date**

This bill will go into effect the year after passage.



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Committee Assignment: Assembly Freedom 3

Bill #: AF-18

**Sponsors:** Jamus Socker, Alex Maddaloni, Ashleigh Rosen

#### **An Act To**

Amend section 2 of the New York State Election Law 5-106 to allow those convicted of a non-violent felony to vote while on parole or probation.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

#### **Purpose**

The purpose of this bill is to allow those convicted of a non-violent felony to vote while on parole.

#### **Summary of Provisions**

##### **Section 1**

Non-violent felony: Does not involve the use of force or infliction of injury against the victim. Sentencing can range from 1-25 years and probation can range from 1-15 years.

##### **Section 2**

No person who has been convicted of a felony pursuant to the laws of this state, shall have the right to register for or vote at any election unless he shall have been pardoned or restored to the rights of citizenship by the governor, or his maximum sentence of imprisonment has expired, ~~or he has been discharged from parole.~~ The governor, however, may attach as a condition to any such pardon a provision that any such person shall not have the right of suffrage until it shall have been separately restored to him.

#### **Justification**

Every year, thousands of non-violent felons have served their time in prison, only to be released on probation or parole, and still not be able to vote. If this population of people had the right to vote not only would they have the ability to impact the result of an election but would increase the voter turnout overall. Many people released from parole are unaware that their right has been restored and re-registering to vote is very difficult due to the complex laws surrounding disenfranchisement. New York is a healthier and stronger state when more people participate in the electoral process. Mass disenfranchisement for minor offences is a tragic legacy of the Jim Crow era that disproportionately affects people of color and minority status.

#### **Fiscal Implications**

This bill has no fiscal implications.

#### **Effective Date**

One year from passage of this bill.



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Committee Assignment: Assembly Freedom 3

Bill #: AF-19

**Sponsors:** Pilar Cerón, Zachary Kelly-Spadafino, Hypathia González, Regina Tucker

**An Act To:** Amend the New York State Human Rights Law Article 15 § 296 to eliminate hair-based racial bias in the workplace.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

**Purpose**

The purpose of this bill is to work towards eliminating hair-based racial bias in the workplace.

**Summary of Provisions**

**Section 1**

Hair Style: a particular way in which a person's hair is cut or arranged.

Hair Texture: the feel, appearance, or /and consistency of one's hair.

Hair Type: ethnic association with a curl pattern and/or hair type.

Curl Pattern: a numerical and alphabetical system that categorizes hair according to amount of turns formed by hair strands: example. 1a is "pin-straight" hair, while 4c is "kinky, coily" hair.

Discriminatory Practices: unjust or prejudicial treatment against a job applicant or employee due to their cultural identity.

Employer: a person or organization that pays people for their legal work.

**Section 2**

§ 296. Unlawful discriminatory practices.

1. It shall be an unlawful discriminatory practice:

- a. For an employer or licensing agency, because of an individual's age, race, creed, color, hair style, hair texture, hair type, or curl pattern, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.



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Committee Assignment: Assembly Freedom 3

Bill #: AF-19

**Justification**

Throughout history, society has favored white people in everything, from rights to positions in office, while for years and years, black women have been discriminated against for nearly everything. From clothes to culture to hair, black women have been seen as inferior to women of other races. It has come to such an extent that black women are even being discriminated upon in the workplace. The workplace is a place where one is supposed to be able to show their strengths and talents and to provide for their families and loved ones. However, black women do not have the ability to do this as freely as other women because they are not treated equally. In fact, while major tech company giants like Apple, Facebook, Google, Intel, Microsoft and Twitter are collectively hiring thousands of workers, on average, their employment of Black women comes in at only three percent, further revealing a general discrimination against Black women in the workplace. Laws are already in place to protect against workplace discrimination against race and religion, however, there is no such law protecting employees from discrimination on the basis of hair. For example, the 11th Circuit Court of Appeals dismissed a lawsuit against a company that refused to hire a woman because she wouldn't cut her dreadlocks. This bill is needed in New York State to ensure equal employment opportunities and treatment in the workplace.

**Fiscal Implications**

There are no fiscal implications for this bill.

**Effective Date**

This bill will go into effect immediately after its passage.





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Committee Assignment: Assembly Freedom 3

Bill #: AF-20

**Sponsors:** Manny Santana and Michelle Sylvert

*The People of the State of New York, represented in the Senate and Assembly do enact as follows*

#### **An Act To**

To amend Section 30 of the New York State Public Service Law to achieve 60% renewable energy within 20 years for all electric companies in New York State.

#### **Purpose**

The purpose of this bill is to commit to 60% renewable energy for all electric companies in the State of New York within 20 years after the bill's passage. Every 4 years for 20 years, a 2% tax incentive will be awarded at the end of each 4-year period as long 3% of their energy sources are converted into renewable energy each year.

#### **Summary of Provisions**

##### **Section 1: Definitions**

**Renewable energy:** Renewable energy is energy that is collected from renewable resources, which are naturally replenished on a human timescale, such as sunlight, wind, rain, tides, waves, and geothermal heat.

**Tax incentive:** A tax incentive is an aspect of a country's tax code designed to persuade, or encourage a particular economic activity.

##### **Section 2:**

§ 30.00 This article shall apply to the provision of all or any part of the gas, electric or steam service provided to any residential customer by any gas, electric or steam and municipalities' corporation or municipality. It is hereby declared to be the policy of this state that the continued provision of all or any part of such gas, electric and steam service to all residential customers without unreasonable qualifications or lengthy delays is necessary for the preservation of the health and general welfare and is in the public interest. Each electric company in the State of New York is mandated to achieve 60% renewable energy within 20 years after the bill's passage. Every 4 years, companies will be given a 2% tax incentive until the 20-year mark is reached, granted that they convert 3% of energy sources to renewable ones every year. If the companies fail to comply with the appropriate level of renewable energy sources within the specified time, their taxes will increase by 2% every 4 years instead.

#### **Justification**

Renewable energy can give substantial benefits for our climate, our health, and our economy. Renewable energy currently provides only a tiny fraction of its potential electricity output in New York and in the United States as a whole; however numerous studies have repeatedly shown that renewable energy can be rapidly deployed to provide a significant share of future electricity needs. The implementation of renewable energy will also create jobs throughout our state. Overall, committing to at least 80% renewable energy will provide a better environmental and economic standing throughout New York State.

#### **Fiscal Implications**



45 The state will grant a 2% tax incentive every 4 years. A 10 kW wind turbine  
46 costs approximately \$48,000 – 65,000 to install. The average gross cost of solar  
47 panels before tax credits is \$16,800.

48 **Effective Date**

49 This bill will go into effect one year after its passage and will be complete 20 years  
50 after its passage.



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Committee Assignment: Assembly Freedom 3

Bill #: AF-21

**Sponsors:** Genevieve Greene, Shailynn Childs, Ashley McCrae

AN ACT TO: Change New York State funding for charter schools

*The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

**Purpose**

The purpose of this bill is to pull New York State funding from charter schools and make those schools fully functioning private schools.

**Summary of Provisions**

**Section 1:**

Public School: A government funded school, open to all students within its geological district.

Charter School: An independently run public school with greater flexibility established by teachers, parents, or community groups under terms of local or national authority that allows the administration to pursue specific educational objectives.

Private School: A school funded by private individuals and organizations. These schools are very strict on which students are allowed to attend. Often a lottery is the only way to get accepted into a private school.

**Section 2:**

Funding to charter schools in New York State will end. As an effect of this, the schools can no longer register as public schools. Those schools would have to find private funding to maintain the organization. Applying to the schools would be in the manor of private schools.

**Justification**

Public funding for charter schools take away for the money that impoverished public schools need. Taxpayers in New York State pay to run these schools. For the 2017-2018 school year, 39.31 million dollars were given to charter schools across New York State, an increase of 6 million dollars from the 2016-2017 school year. The enrollment process to get into a charter school is identical to enrolling in a private school. Taxpayers do not want to pay for schools that, in many cases, would not accept their children due to the nature of the enrollment process. Those schools claim their acceptance rate is high when that rate is not due to biasing towards students. Over This only benefits the school and not the students.

**Fiscal Implications**

New York State taxes will remain the same but the money that used to fund charter schools will be used for the funding of poverty stricken public schools.

**Effective Date**

This bill will go into effect before the 2019-2020 school year.



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Committee Assignment: Assembly Freedom 3

Bill #: AF-22

**Sponsors:** Cenk Yigit, Gurkan Yigit

**AN ACT TO:** Amend Section § 125.05 Article 3 of Penal Law to change the terms of legal abortion.

The People of the State of New York, represented in the Senate and Assembly, do enact as follows:

#### **Purpose**

New York state law considers abortions legal up to twenty-four weeks after conception. This bill will mandate that a legal abortion can be performed no later than twelve weeks after conception.

#### **Summary of Provisions**

##### **Section 1 – Definitions**

§ 125.05 Homicide, abortion and related offenses; definitions of terms.

The following definitions are applicable to this article:

1. "Person," when referring to the victim of a homicide, means a human being who has been born and is alive.

2. "Abortional act" means an act committed upon or with respect to a female, whether by another person or by the female herself, whether she is pregnant or not, whether directly upon her body or by the administering, taking or prescription of drugs or in any other manner, with intent to cause a miscarriage of such female.

3. "Justifiable abortional act." An abortional act is justifiable when committed upon a female with her consent by a duly licensed physician acting (a) under a reasonable belief that such is necessary to preserve her life, or, (b) within ~~twenty-four~~ twelve weeks from the commencement of her pregnancy. A pregnant female's commission of an abortional act upon herself is justifiable when she acts upon the advice of a duly licensed physician (1) that such act is necessary to preserve her life, or, (2) within ~~twenty-four~~ twelve weeks from the commencement of her pregnancy. The submission by a female to an abortional act is justifiable when she believes that it is being committed by a duly licensed physician, acting under a reasonable belief that such act is necessary to preserve her life, or, within ~~twenty-four~~ twelve weeks from the commencement of her pregnancy.

#### **Justification**

Scientists have discovered that performing an abortion after 12 weeks puts the women at a higher risk of death. By reducing the time from 24 weeks to 12 weeks, health risks that come with the procedure will be combatted, fatalities of mothers will be minimize and humane practices of embryonic removal will be ensured. After 12 weeks, the embryo can already be considered a fetus and should be



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Committee Assignment: Assembly Freedom 3

Bill #: AF-22

45 treated as a human being. This bill proposes that once the first trimester has  
46 passed, it will be illegal to perform an abortion, even with a physician's advice. This  
47 does not disregard a woman's right to choose whether or not she has an abortion,  
48 rather it takes into account the rights of her unborn child as well. This act is rightly  
49 a woman's choice, however, it should be a choice that is made faster, particularly  
50 prior to the second trimester.

51  
52 **Fiscal Implications**

53 There are no fiscal implications.

54  
55 **Effective Date**

56 This bill will go into effect January 1, 2019.  
57



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Committee Assignment: Assembly Freedom 4

Bill #: AF-23

**Sponsors:** Lauren Andersen, Jessica Graham, Sara Volka

#### **An Act To**

Adopt §1225-e of the New York State Vehicle and Traffic Law to implement and mandate the use of textalyzers.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

#### **Purpose**

To implement and mandate the use of textalyzers by New York State police officers after an automobile accident.

#### **Summary of Provisions**

##### Section 1: Definitions

Textalyzer: an electronic device that can detect whether a person was using an electronic device by utilizing touch patterns without taking personal information.

Field Test: to test (a device or product) under various conditions of actual use.

##### Section 2:

§1225-e. Field testing of mobile phones and portable electronic devices.

1.) Every person operating a motor vehicle which has been involved in an accident or collision involving damage to real or personal property, personal injury or death, and who has in his possession at or near the time of such accident or collision, a mobile telephone or personal electronic device, shall at the request of a police officer, surrender his or her mobile telephone and/or portable electronic device to the police officer solely for the purpose of field testing such mobile telephone and/or portable electronic device. The police officers are required to explain that consent to conduct the test is presumed, provided it is conducted by the police officer and that the officer has "reasonable grounds" to believe that a person has been operating a motor vehicle in violation of the current prohibition on using mobile phones or electronic devices while driving. if a driver refuses such field test a written report be completed documenting the refusal and providing rules for verification of the report. Police officers be trained periodically in the available technology for conducting such field tests. If such field testing determines that the operator of the motor vehicle was using his or her mobile telephone or portable electronic device in violation of section twelve hundred twenty-five-c or twelve hundred twenty-five-d of this article.

2.) Establishes that the person charged with such violation, upon the basis of a written report, will temporarily have his or her license or permit suspended by the court without notice pending the determination of a hearing.

41 **Justification**

42 Distracted driving is a major problem in New York state. It is common for people  
43 involved in a crash due to using their cell phones while driving is dishonest with the  
44 officers as to whether or not they were actually on their phone. The textalyzer is a  
45 device that detects phone usage without directly invading the privacy of the owner  
46 of the phone. Without a textalyzer, the cause of a car crash will remain a mystery  
47 unless there is physical evidence to make a conviction. Distracted driving is the  
48 leading cause of accidents among young drivers, and has led to a significant  
49 increase in overall accidents among drivers of all ages. According to the NHTSA,  
50 eighty percent of car accidents in New York State were caused by driver inattention.  
51

52 **Fiscal Implications**

53 New York State Senators and Assemblymen recently proposed this bill and have  
54 stated that there are no foreseen fiscal implications.  
55

56 **Effective Date**

57 This bill will go into effect one year after its passage.



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Committee Assignment: Assembly Freedom 4

Bill #: AF-24

**Sponsors:** Lucas Konarski, Jacob Furry, Aine Hunt, Alexandra Feldman

**An Act To**

Amend §260 section 12 of the education law to clarify the requirements of internet filtering set by the Children's Internet Protection Act on public libraries.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

**Purpose**

To clarify the requirements set by the Children's Internet Protection Act regarding internet filtering in public libraries. Access to a greater variety of educational websites will result in a more informed youth population.

**Summary of Provisions**

**Section 1**

Over-filtering: filtering beyond the requirement of CIPA (Children's Internet Protection Act)

Indian library: affiliate of the American Library Association

Patron: people who use libraries

**Section 2**

§260-12. The board of trustees of a public, free association or Indian library which provides public access to the internet shall establish a policy governing patron use of computer terminals which access the internet. Verification of such policy shall be included in the annual report submitted to the department.

- a. Content filters must be connected to the library itself and not to private companies who exercise unknown influence over patrons' internet access.
- b. Signs must be made visible to the patron that illustrate how content filters operate on an "opt out" model where the filter defaults to "on" unless specified differently.
  - i. Librarians must be made available to end or modify the filter settings when a patron finds over or under-filtering. Librarians will be trained by higher administrators on the filtering systems, so there will be few lengthy delays in the processing of patron requests.





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Bill #: AF-24

**Justification**

The role of computers is to access information that can better a student's understanding and progress their learning. It is clear that computers are beneficial for a student's productivity, but many times their access is limited by CIPA acting as an online overlord. CIPA filters internet access based on content that is deemed "(a)obscene; (b)child pornography; or (c)harmful to minors". These broad definitions result in over-filtering and under-filtering fifteen to twenty percent of the time. Some content that is over-filtered are health education websites, which contain essential knowledge for the development of children. Additionally, according to the ALA, filters are designed to block unpopular or controversial opinions, as well as social media platforms. Over-filtering limits students' opportunity to succeed, explore their passions and discover their strengths. The students that are most affected by filters are the underprivileged who rely on public computers to complete their homework. According to Google Inc., sixty million Americans live without either high-speed internet or a smartphone. It has come to a point where filtering has infringed on our civil liberties and is limiting the digital literacy of our youth. We need more and more digitally literate students in an ever-progressing technological world and filtering hinders this goal.

**Fiscal Implications**

Impact on the state budget will be minimal as public libraries will still have federal funding for internet access from CIPA. They are only making changes to how the process of filtering functions. The only possible costs will come from training librarians to effectively stop under-blocking and over-blocking. Additionally, posters will have to be made to notify patrons that they can contact a librarian if something is filtered that they would like to access to.

**Effective Date**

This bill will go into effect the June following its passage.



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Committee Assignment: Assembly Freedom 4

Bill #: AF-25

**Sponsors:** Drue DeGroat, Gage Morris

**An Act To**

Amend §240 of the Domestic Relations to Allow all children of 13 to have an input on which parent they will live the most time with, after the filed divorce.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

**Purpose**

This bill will compel judges to adhere to the wishes of any child over the age of 13 or over in determining custody for that child.

**Summary of Provisions**

§ 240. Custody and child support; orders of protection. 1. (a) In any action or proceeding brought (1) to annul a marriage or to declare the nullity of a void marriage, or (2) for a separation, or (3) for a divorce, or (4) to obtain, by a writ of habeas corpus or by petition and order to show cause, the custody of or right to visitation with any child of a marriage, the court shall require verification of the status of any child of the marriage with respect to such child's custody and support, including any prior orders, and shall enter orders for custody and support as, in the court's discretion, justice requires, having regard to the circumstances of the case and of the respective parties and to the best interests of the child and subject to the provisions of subdivision one-c of this section. Where either party to an action concerning custody of or a right to visitation with a child alleges in a sworn petition or complaint or sworn answer, cross-petition, counterclaim or other sworn responsive pleading that the other party has committed an act of domestic violence against the party making the allegation or a family or household member of either party, as such family or household member is defined in article eight of the family court act, and such allegations are proven by a preponderance of the evidence, the court must consider the effect of such domestic violence upon the best interests of the child, together with such other facts and circumstances as the court deems relevant in making a direction pursuant to this section and state on the record how such findings, facts and circumstances factored into the direction. If a parent makes a good faith allegation based on a reasonable belief supported by facts that the child is the victim of child abuse, child neglect, or the effects of domestic violence, and if that parent acts lawfully and in good faith in response to that reasonable belief to protect the child or seek treatment for the child, then that parent shall not be deprived of custody, visitation or contact with the child, or restricted in custody, visitation or contact, based solely on that belief or the reasonable actions taken based on that belief. If an allegation that a child is abused is supported by a preponderance of the evidence, then the court shall consider such evidence of abuse in determining the visitation arrangement that is in the best interest of the child, and the court shall



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Bill #: AF-25

not place a child in the custody of a parent who presents a substantial risk of harm to that child, and shall state on the record how such findings were factored into the determination. Where a proceeding filed pursuant to article ten or ten-A of the family court act is pending at the same time as a proceeding brought in the supreme court involving the custody of, or right to visitation with, any child of a marriage, the court presiding over the proceeding under article ten or ten-A of the family court act may jointly hear the dispositional hearing on the petition under article ten or the permanency hearing under article ten-A of the family court act and, upon referral from the supreme court, the hearing to resolve the matter of custody or visitation in the proceeding pending in the supreme court; provided however, the court must determine custody or visitation in accordance with the terms of this section.

#### Section 1

Physical custody: the child's main residence or domicile.

Joint physical custody: The child lives with each parent for an equal amount of time

Sole physical custody: The child lives with the adult more than 50% of the time(custodial)

Noncustodial: Will have parenting time

Age of opinion: Between 6 and 14 are generally able to express a preference (but children at this age usually choose the parent that disciplines the least). 14 years, and older, are proven to be mature, and have more experience in which parent they choose.

Attorney for the Child (AFC): The AFC will present the wishes of the child in all cases of custody. The AFC must represent the child's wishes, unless the AFC deems one household to be unsuitable for the child (i.e. drug or alcohol abuse, domestic violence).

#### Section 2

Judges must comply to the wishes of children, 13 and older, as to which parent that child would like to live with, unless extenuating circumstances supercede the child's wishes. The judge must comply with the recommendation of the Attorney for the Child.

#### Justification

Children aren't given any thought when it comes to divorce. They've seen more than the court. Sometimes the favored parent has a hidden addiction including, drinking, or taking drugs, pornography, inappropriate sexual activity. These are secrets, that only the child or spouse would know of.

#### Fiscal Implications

There will be no additional cost to New York State.

#### Effective Date

This bill shall go into effect on January 1, 2019.



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Committee Assignment: Assembly Freedom 4

Bill #: AF-26

**AN ACT TO:** Mandate New York Public Schools provide internships/skills workshops to second semester high school seniors

***The People of the State of New York, represented in the Senate and Assembly, do enact as follows:***

**PURPOSE:** The purpose of this bill is to better prepare students for life outside high schools

#### **SUMMARY OF PROVISIONS**

Internship - the position of a student or trainee who works in an organization, sometimes without pay, in order to gain work experience or satisfy requirements for a qualification.

We will partner with the State Economic Development Department to establish internship slots with businesses for high school seniors. Students will still be graded on their performance under given requirements from their school.

The programs can range from local work in small businesses to workshops that teach focused skills preparing teens for adult life such as tax explanations, positive money behaviors, resume building, and interview skills.

#### **JUSTIFICATION**

Students are more likely to do better work if they already have experience in the field. This serves as an opportunity for students to explore possible careers if their school provides internships. Students can either hone in on a career they love and can network but also have an opportunity to explore other fields. This establishes a better knowledge of what they should major in college saving time and money.

These internships and skills can also be put on resumes giving students a decent start in the workforce. Last, but not least, this bill allows high school seniors a platform to become better functioning adults which would lead to a better and stronger society well prepared for life challenges. Securing internships or life skills can be difficult for many students. This bill provides everyone with at least a little experience before teens go to college or enter the workforce after they graduate high school

#### **FISCAL IMPLICATIONS**

Will depend on the school's use of its own resources

#### **Effective Date**

January 1<sup>st</sup>, 2020



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Committee Assignment:

Bill #:

**Sponsors:** Dominique Eric Varier, Timothy Mathew

**An Act To**

Amend §226-b of Article 5 of the New York State County Law to mandate collection of chemical and hazardous waste for residents.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

**Purpose**

The purpose of this bill is for counties to provide appropriate means for residents to store their chemical and hazardous waste, along with doing weekly pickups of the waste from residential homes by the chemical and hazardous waste management facilities.

**Summary of Provisions**

**Section 1**

Chemical waste management facility: any facility which properly manages and disposes of chemical and hazardous waste.

Resident: a person who lives somewhere permanently or on a long-term basis.

County: a political and administrative division of a state, providing certain local governmental services.

**Section 2**

§ 226-b. Solid waste management; resource recovery is being amended by adding the following:

4. The legislative body of any county must appropriate and expend funds to provide for the separation, collection and management of chemical waste and hazardous waste in such county and for that purpose may acquire, construct, operate and maintain chemical and hazardous waste management facilities, acquire the necessary lands thereof, and purchase, operate and maintain all necessary appliances appurtenant thereto, including collection facilities and such vehicles as may be required for such purposes. In selecting a location for any chemical and hazardous waste management facility, the county legislative body shall take into consideration the present and any proposed land use character of the area of any proposed location and the zoning regulations, if any, applicable to such area. Furthermore, the legislative body of such county must mandate their chemical and hazardous waste management facilities to maintain a weekly routine pickup of chemical waste and hazardous waste from the appropriate storage containers at every residential building. The legislative body of such county must also provide their residents with the appropriate and easily accessible means of temporarily storing their chemical and hazardous waste safely until such pickup is done by the county's chemical and hazardous waste management weekly routine.

5. The term "chemical waste" shall mean all solid, liquid, and gaseous chemicals or chemical-filled substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection.

6. The term "hazardous waste" shall mean all solid, liquid, and gaseous materials or substances discarded or rejected as being spent, useless, worthless or in excess to the



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owners at the time of such discard or rejection, which poses a hazard to human health or the environment when improperly managed, used, or disposed of.

#### **Justification**

Passing this bill will ensure a better, safer, and greener environment for the people of New York. Living in a highly industrial society, chemical and hazardous products are becoming more common among New York residents. Such products include pressurized cans, paint and paint cans, batteries, pesticides, and needles. Last year 700,000 tons of hazardous waste was disposed of in New York State, and this was only the documented amount of waste, so the undocumented hazardous waste improperly disposed of is much more. This shows the critical nature of the amount of chemical and hazardous waste produced by residents, but more desperately, the failing actions of many counties to provide an accessible chemical and hazardous waste disposal facility. Many counties provide an inaccessible chemical and hazardous waste facility where residents must take time and effort to go to, sometimes traveling far distances, and dispose of this waste. Therefore, many lazily throw these harmful substances into their normal trash, which is then dealt by the solid waste management facilities not equipped to deal with such waste. With such irresponsibly behavior, the chemical and hazardous waste improperly disposed of poses a threat to the environment and to the residents of New York. However, by passing this bill, such dangerous activity can be limited by deeming counties to provide appropriate containers for residents to temporarily store their chemical and hazardous waste until the weekly pickup of such waste by the county's chemical and hazardous waste management facilities. Such systems will be similar to that of the recycling and solid waste management systems which the counties already provide for. Actions like these will provide residents with a safer and healthier environment to live in.

#### **Fiscal Implications**

Since waste management and the sanitation are directed autonomously by each county, there will be fiscal implications on each county, not on New York State, depending on their circumstances.

#### **Effective Date**

This bill will go into effect on January 1st of the year after passage.





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Committee Assignment: Assembly Freedom 4

Bill #: AF-28

**Sponsors:** Bianca Convery, Gia Garro, Alexander Yannetta

**An Act To**

Amend § 353.00 of the New York State Agriculture and Markets Law to prohibit the overdriving, torturing, injuring, and failure to provide proper sustenance of animals.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

**Purpose**

The purpose of this bill is to prohibit the use of live animal testing in the pursuit of human based gain and/or profit; such as for cosmetic and scientific research.

**Summary of Provisions**

**Section 1: Definitions**

**Animal Testing:** the use of non-human animals in research and development projects, specific for purposes of determining the safety of substances such as foods or drugs.

**Torture/Cruelty:** includes every act, omission, or neglect, whereby unjustifiable physical pain, suffering, or death is caused or permitted.

**Sustenance:** nourishment needed to maintain life.

**Class "A" Misdemeanor:** upon conviction, a court may sentence an individual to a maximum of one year in jail or three years of probation. In addition, a fine of up to \$1,000 or twice the amount of the individual's gain from the crime may be imposed.

**Section 2:**

§ 353.00. A person who overdrives, overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame, and whether belonging to himself or to another, or deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink, or who willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, is guilty of a class A misdemeanor and for purposes of paragraph (b) of subdivision one of section 160.10 of the criminal procedure law, shall be treated as a misdemeanor defined in the penal law. Courts may sentence individuals convicted of class A misdemeanors from violating this law with a maximum of one year in jail or three years of probation, in addition to a fine of twice the amount of their gain from the crime. Courts may sentence corporations convicted of class A misdemeanors from violating this law with a fine of twice the





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~~amount of their gain from the crime. Nothing herein contained shall be construed to prohibit or interfere with any properly conducted scientific tests, experiments or investigations, Testing involving the use of living animals, performed or conducted in laboratories or institutions, which are approved prohibited for these and all purposes by the state commissioner of health. The state commissioner of health shall prescribe the rules under which such approvals shall be granted, including therein standards regarding the care and treatment of any such animals. Such rules shall be published and copies thereof conspicuously posted in each such laboratory or institution. The state commissioner of health or his duly authorized representative shall have the power to inspect such laboratories or institutions to insure compliance with such rules and standards this law and grant approval. Each such approval may be revoked at any time for failure to comply with such rules this law and in any case the approval shall be limited to a period not exceeding one year.~~

#### **Justification**

The National Institute of Health has noted "ninety five percent of all drugs that are shown to be safe and effective in animal tests fail in human trials because they don't work or are dangerous." The small portion of approved drugs were required to be relabeled due to unforeseen side effects in humans that were not present in animals. There is no reason to cruelly experiment on animals when we have the ability to utilize many alternatives for research which produce much more accurate results, such as cells, tissues, marrow, etc. all from human volunteers or deceased animals which are less expensive, much more accurate, and all of which will save millions of animals from unnecessary cruelty.

#### **Fiscal Implications**

Due to the alternative methods coming to play to replace the use of live animals for research, the substitutions will decrease the overall cost of testing by approximately twenty to twenty five percent. These alternative methods include the use of human volunteer medical patients for testing and even simulations to emulate the actual skin and tissues of humans. This decrease in cost will benefit New York State with two opportunities' such as a decrease in overall tax pay, or even using the same rates of taxes to apply to other fronts of spending.

#### **Effective Date**

This bill will go into effect one year following its ratification.



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Committee Assignment: Assembly Freedom 4

Bill #: AF-29

**Sponsors:** Grace Gambill, Ariella Trimaldi, Madison Wainwright, Kelsey Pitt

**An Act To:** Amend Vehicle and Traffic Law Article 19 § 506 to require persons over 70 to retake their road test.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

**Purpose**

The purpose of our bill is to keep the roads safer and to make sure drivers over 70 are still able to drive safely and to the best of their ability.

**Summary of Provisions**

**Section 1: Definitions**

**Commissioner:** a person appointed to a role on or by a commission.

**Pursuant:** in accordance with (a law or a legal document or resolution).

**Section 2: Provisions**

§ 506. Reexamination of licensees. 1. If the commissioner has reasonable grounds to believe that a person holding a license issued pursuant to this article is not qualified to drive a motor vehicle, or the person has reached the age of 70, the commissioner ~~may~~ will require such person to submit to an examination to determine his qualifications. After a person reaches 80 years old, licenses must be renewed every 4 years instead of 8.

**Justification**

This bill will be established to ensure a safer environment for others and elderly drivers. This will also keep elderly drivers safer by having their driving skills re-assessed, since their last road test was taken a long time ago. This bill will keep people safe and reduce car crashes, traffic problems and will help the elderly stay safer. Many people believe they are a good driver but sometimes that's not the case. As people get older, driving laws change and drivers get more lenient with rules. Having a required drivers test at age 70 will help make sure drivers are up to date on new rules and regulations. It will also help to make sure that the driver's mental or physical state hasn't declined. Many people don't see a doctor regularly and might have problems that make it difficult for them to drive.

**Fiscal Implications**

If everyone takes the drivers test, the state will make about \$5,750,410.00 per year according to New York State population demographics.

**Effective Date**

This bill will go into effect one year after passage.



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Committee Assignment: Assembly Freedom 4

Bill #: AF-30

**Sponsors:** Kaitlyn Clune, Emily Travis

**An Act To**

Amend §912-b. of speech and language improvement services to require the education of American Sign Language to students in grades K-6.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

**Purpose**

The purpose of this bill is to require American Sign Language to be taught in schools with a graduating class size of greater than one hundred in grades K-6.

**Summary of Provisions**

**Section 1:**

Speech and language improvement services.

1. The board of education or trustees of each school district and the city school district of the city of New York ~~may~~ must provide speech and language improvement services to students in grades kindergarten through six with speech impairments of a severity that does not adversely affect the student's educational performance but does present a barrier to communication.

2. Any student, who is determined to be in need of such speech and language improvement services, shall receive such ~~upon the recommendation of the building administrator.~~

3. A student, whose speech impairment adversely affects the student's educational performance shall be referred to the committee on special education for further evaluation and recommendation for special education services and programs, pursuant to article eighty-nine of this Chapter.

4. All students in school districts with a cohort of greater than one hundred total students shall receive American Sign Language classes in grades kindergarten through six.

**Justification**

By requiring the education of ASL to young students, the hearing and deaf communities would be able to better communicate with each other, erasing boundaries in job opportunities. Teaching students at a young age will also help students learn the language faster and will promote equality between the deaf and hearing communities.

**Fiscal Implications**

The cost of this bill will be different for each district, however, we anticipate a less than one percent increase in the district's budget.

**Effective Date**

This bill will go into effect twelve months after passage.



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Committee Assignment: Assembly Freedom 5

Bill #: AF-31

**Sponsors:** Taylor Fryer, Allison Hunt, José Perez-Marino, MacKenzie Randolph

#### **An Act To**

To amend § 200.4 of the General School Requirement Act in order to have Spanish language education to begin at the grade of kindergarten in all New York State school districts.

*The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

#### **Purpose**

The purpose of this bill is to commence the education of the Spanish language for children entering kindergarten and continuing through seventh grade.

#### **Summary of Provisions**

##### **Section 1**

Public school districts ~~must~~ may commence Spanish language ~~other than English~~ instruction at kindergarten and carry teaching of the language through the seventh grade, at which districts must allow students to choose between other district offered languages or advanced Spanish any grade level prior to grade eight but ~~shall do so no later than the beginning of grade eight~~ so that students are provided the required two units of study by the end of grade nine.

#### **Justification**

Understanding that individuals undergo most major language development early in their life, it is prudent to introduce language as soon as possible in their formal education. It is largely agreed upon in the scientific community that fully comprehensive bilingualism at a young age fuels brain development and, as shown by nations who teach foreign language at younger age, results in children having a higher understanding in all educational fields.

When considering the relevance of Spanish to New York as the most spoken language other than English within the state, it becomes abundantly clear that if any language were to be made mandatory from a young age other than English, it would be Spanish. Fluency in Spanish will promote greater cultural understanding and diversity in New York

#### **Fiscal Implications**

New York State school districts will be required to allot money toward the payment of teachers who would be hired under the provisions of this bill. Teachers must be able to teach the students at the elementary level. This change would lead to economic benefits for the state as we believe that statewide fluency in Spanish would help the economic sector of New York grow, in particular, the international businesses within New York City. This will not change the requirements of Spanish credits to graduate.

#### **Effective Date**

One school year after the passage of this bill.



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Committee Assignment: Assembly Freedom 3

Bill #: AF-32

**Sponsors:** Evin Mattupurath and Sydney Whitley

**An Act To**

Amend section 58 of Article 4 of the Civil Service Law to add subsection e to restrict individuals who have been convicted of Class A misdemeanors from being eligible for a permanent appointment as a police officer.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

**Purpose**

To modify existing civil service law in New York State to reduce police misconduct in New York State by preventing individuals who have been convicted of Class A misdemeanors from being appointed to a permanent police officer position.

**Summary of Provisions**

Section 1 Definitions:

Police Officer- shall mean a person in the state university police, a member of the regional state park police or a police force, police department, or other organization of a county, city, town, village, housing authority, transit authority or police district, who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state, but shall not include any person serving as such solely by virtue of his or her occupying any other office or position, nor shall such term include a sheriff, under-sheriff, commissioner of police, deputy or assistant commissioner of police, chief of police, deputy or assistant chief of police or any person having an equivalent title who is appointed or employed to exercise equivalent supervisory authority.

Class A misdemeanor- shall mean the most severe classification of misdemeanors in New York State, punishable by a maximum of 1 year in prison.

Section 2:

Amends section 58 of Article 4, to add paragraph as follows: (d) he or she is of good moral character.

1-b. Notwithstanding the provisions of any other section of law, general, special or local, in political subdivisions maintaining a police department serving a population of one hundred fifty thousand or less, no person shall be eligible for appointment nor shall he or she be appointed to any rank above the rank of police officer unless he or she has been appointed a police officer from an eligible list established according to merit and fitness as provided by section six of article five of the constitution of the state of New York or has previously served as a member of the New York state police. (e) he or she has not been convicted of a Class A misdemeanor. Class A misdemeanors include but are not limited to: criminal solicitation in the fourth degree, conspiracy in the fifth degree, assault in the third degree, sexual misconduct, stalking in the third degree, forcible touching, and



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sexual abuse in the second degree. In the event that a police department believes that a candidate who has committed a Class A misdemeanor is worthy of service it will be up to the discretion of the police department to deem them qualified for service within that district only.

#### **Justification**

Corruption and the abuse of one's power are prevalent in the New York State Police force. According to a study done by the National Police Misconduct Statistics and Reporting Project there were 6,613 police officers involved in cases of misconduct nationwide. Of those 6,613 roughly 40% of the offenses fell under the classification of a misdemeanor. Police are supposed to be held to a higher standard of conduct because of their position. By hiring those who have committed crimes, we set an inadequate example for our people. Research has proven that people with a criminal record are more likely to commit a crime: 49% of people that are convicted of a crime have been rearrested within 8 years and 32% will be reconvicted within 8 years. These issues come at a tremendous cost socially and fiscally; in 2016 alone New York City paid out 228 million dollars in lawsuits related to police misconduct, nearly 25% of its whole budget for that year. In spite of this, individuals with criminal records are still allowed onto the force. Many individual police departments across the country have implemented regulations similar to this amendment, even extending beyond Class A misdemeanors. Therefore it is time we address the present problem of police misconduct in New York at a statewide level.

#### **Fiscal Implications**

This bill will have no additional cost on the New York State Budget. It has the potential to save New York State money as it lowers the candidate pool of police officers.

#### **Effective Date**

The law will go into effect one year following its passage.





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Committee Assignment: Assembly Freedom 5

Bill #: AF-33

**Sponsors:** Nina Armideo, Isabelle Hart, Julian Ponirakis, Andrew Swenson

**An Act To**

Amend §§ 23-1101 of the Environmental Conservation Law to permanently suspend the approval of oil and gas production leases on state parks and environmental lands.

*The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

**Purpose**

The purpose of this bill is to terminate the ability of the DEC (the department) to make leases on state parks and environmental lands.

**Summary of Provisions**

**Section 1:**

§ 23-1101. Procedure for obtaining oil and gas production lease.

~~1. The department may make leases on behalf of this state, upon such terms and conditions including consideration as to the department seem just and proper for:~~

1. The department, nor any other department, may make any leases on behalf of this state.

a. The exploration, development and production of gas in state-owned lands, except state park lands and the lands under the waters of Lake Ontario or along its shoreline; and

b. The exploration, development and production of oil in state-owned lands, except state park lands and the lands under the waters of Lake Erie and Lake Ontario or along their shorelines.

**Justification**

This bill is important because we need to protect wildlife and the environment from the harmful repercussions of drilling for oil in New York State. An oil spill or other extraction related accident is likely to cost the taxpayers more than the continuation of leasing land to oil interests is to benefit the public of New York.

**Fiscal Implications**

This bill will cause a decrease in revenue from suspending land leases. The loss of revenue is expected be made up and exceeded by the increase of tourism. It will





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Committee Assignment: Assembly Freedom 5

Bill #: AF-33

- 1 also help reduce the possibility of having to use tax dollars to repair damaged cities
- 2 after harmful natural disasters.

3

4 **Effective Date**

- 5 If passed, this bill will go into effect one year after passage.



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Committee Assignment: Assembly Liberty 5

Bill #: AL-34

**Sponsors:** Zarib Alam

**To:** An act to amend NY Penal Law §220.18 to change the classification of the criminal possession of a controlled substance in the second degree from a Class A-II felony to a Class A misdemeanor and thereby mandate the rehabilitation of offenders.

***The People of the State of New York, represented in the  
Senate and Assembly, do enact as follows:***

**Purpose:**

Currently, the nonviolent criminal possession of a controlled substance in the second degree is classified as a Class A-II felony and bears the sentence of up to 10 years in prison. By changing that classification to a Class A misdemeanor, a 90-day detoxification rehabilitation process for convicts is intended to be in place of imprisonment. That will reduce New York's incarceration and re-incarceration rates, provide a new pool of labor to promote the New York workforce, and benefit the state's budget and taxpayers.

**Summary of Provisions:**

**Section 1 - Definitions**

1. A "controlled substance" is a drug or chemical whose manufacture, possession, or use is regulated by a government. Such substances include prescription drugs, cocaine, and heroin.

2. To possess "a controlled substance in the second degree" is to knowingly and illegally possess a controlled substance.

3. A "Class A-II felony" is the classification of the possession of a controlled substance in the second degree. It carries a sentence of up to 10 years in prison.

4. A "Class A misdemeanor" is the classification of a criminal act that carries a sentence of up to 1 year in prison.

5. "Detoxification rehabilitation" involves removing the entirety of harmful substances from a patient and psychosocial treatment to remove a person's dependence on controlled substances.

**Section 2**

**§220.18**

8. Criminal possession of a controlled substance in the second degree is a ~~class A-II felony~~ class A misdemeanor.



Committee Assignment: Assembly Liberty 5

Bill #: AL-34

a. Those charged with the criminal possession of a controlled substance are to be immediately rehabilitated for up to 90 days in place of a prison sentence in state-approved rehabilitation facilities.

b. Patients can be released prior to 90 days of rehabilitation at the discretion of an approved rehabilitation psychologist.

c. Patients are to be on probation for 180 days immediately after release from rehabilitation.

**Justification:**

The dangerous heroin epidemic that plagues New York can be attributed to the failure of current lackluster drug policies. Many help-seeking drug abusers are incarcerated in prisons fueled by gangs, violence, and an internal drug trade, which only aids the problem. That is represented by the national statistic that nearly 95% of released offenders return to drug abuse and that an average 70% commit a new crime (typically drug-driven) after release from imprisonment. The current imprisonment policies for drug abuse ultimately hinder the economy of New York direct the much-needed funds and taxes to the ever-growing prison population. However, the rehabilitation mandated by this bill promises a solution. In effect, rehabilitation will provide an opportunity for addicts to be rescued from their addiction and it will result in a mass of reformed people contributive, rather than obstructive, to society. Communities and the youth will be free from the plague of drugs and drug addicts. Economically, the change in the offense classification from a Class A-II felony to a Class A misdemeanor will make jobs more accessible to former drug abuse offenders, promote the New York workforce and industry, and lead to a more prosperous state.

**Fiscal Implications:**

In New York, the incarceration rate for the nonviolent criminal possession of a controlled substance in the second degree, a Class A-II felony, is approximately 150 people per year. As the average annual cost per a prisoner in New York is \$60,000 and the offense of §220.18 bears up to 10 years of imprisonment, New York taxpayers spend approximately \$90 million dollars per year for incarcerated offenders. However, the 90-day rehabilitation program, which will be in place of imprisonment and cost approximately \$12 million dollars annually, will save New York taxpayers up to approximately \$78 million dollars annually.

**Effective Date:**

This bill shall go into effect at the start of the tax season that follows its passage.



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Committee Assignment: Assembly Freedom 5

Bill #: AF-35

**Sponsors:** Patrick Barnett, Andrew Bilotti, Alexandra Lake, and Katie Lindley

**An Act To**

Amend Article 55, § 2801-a of the New York State Education Law by adding subsection § 2801-g to implement mandatory suicide prevention training.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

**Purpose**

The purpose of this bill is to implement mandatory annual suicide prevention training for teachers, principals, and guidance counselors working with grades seven through twelve.

**Summary of Provisions**

**Section 1: Definitions**

**Annual Suicide Prevention Training:** the training includes the seven elements of zero Suicide which are Leadership-driven, safety-oriented culture committed to reduce suicides among people under care, Develop a workforce with suicide-specific expertise, Identify and assess suicide risk among people receiving care, Use evidence-based treatments that target suicidal thoughts and behaviors, Care transitions; follow-up contact and support, especially after acute care, and apply a data-driven CQI to inform system.

**Section 2:**

§ 2801-a. Such comprehensive district-wide safety plan shall be developed by the district-wide school safety team and shall include at a minimum:

a. policies and procedures for responding to implied or direct threats of violence by students, teachers, other school personnel as well as visitors to the school, including threats by students against themselves, which for the purposes of this section shall include suicide

b. policies and procedures for responding to acts of violence by students, teachers, other school personnel as well as visitors to the school, including consideration of zero-tolerance policies for school violence;

c. appropriate prevention and intervention strategies such as:

(i) collaborative arrangements with state and local law enforcement officials, designed to ensure that school safety officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;

(ii) non-violent conflict resolution training programs;

(iii) peer mediation programs and youth courts; and

(iv) extended day and other school safety programs;

d. policies and procedures for contacting appropriate law enforcement officials in the event of a violent incident;

e. policies and procedures for contacting parents, guardians or persons in parental relation to the students of the district in the event of a violent incident and policies and procedures for contacting parents, guardians or persons in parental relation to an individual student of the district in the event of an implied or direct threat of violence by such student against themselves, which for purposes of this section shall include suicide;

f. policies and procedures relating to school building security, including where appropriate the use of school safety officers and/or security devices or procedures;

g. All school administration is required to receive mandatory annual suicide prevention training based off of the Jason Flatt Act for teachers and administrators of grades 7-12.

### **Justification**

By mandating annual suicide prevention training, this bill will help provide a less stressful environment in the form of aid from trusted positions of authority. The mandating of said suicide prevention training will be used to enforce the safety of students and recognize any dangers that may surface in the form of symptoms of depression, suicide ideation, or extreme stress. Mental illness, stress, pressure, and psychological pain are just a few of the many motivating factors that lead teens to consider suicide-all of which can be found in school environments. If students feel helpless, trapped, or alone, they will be more likely to consider death as their only escape. Mandated annual suicide prevention training will give students other options: they will no longer feel desperate if they know that the people looking after them for more than six hours a day are trained to spot their subtle and not-so-subtle cries for help. New York state has a suicide prevention plan called "1700 Too Many" where administrative worries are expressed regarding teen suicide to achieve the goals in the program the Jason Flatt Act which provides materials about youth suicide prevention.

### **Fiscal Implications**

School districts will be required to acquire the free materials from the Jason Flatt foundation. Suicides cost an average of 1 million dollars, the administration of the free materials provided by the Jason Flatt will reduce the overall costs of suicides because there will be less youth taking their own lives.

### **Effective Date**

This bill will go into effect one year after passage.



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Committee Assignment: Assembly Freedom 5

Bill #: AF-36

**Sponsors:** Keelan Crowley, Francesca Fornuto, Anne Kosanke, Natalie Rivoli

**An Act To:**

To Amend article 38 of NYS Public Health Law § 3802 to add PTSD screening to veteran health care.

***The People of the State of New York, represented in the Senate and Assembly do enact as follows:***

**Purpose:**

To assure that veterans with PTSD are properly taken care of after their service.

**Summary of Provisions**

**Section 1: Definitions**

**Post Traumatic Stress Disorder(PTSD):** a condition of persistent mental and emotional stress occurring as a result of injury or severe psychological shock, typically involving disturbance of sleep and constant vivid recall of the experience, with dulled responses to others and to the outside world.

**Section 2: Provisions**

§ 3803. Veterans health care information program. 1. There is hereby created within the department the veterans health care information program (referred to in this section as the "program"), which shall provide information on health issues associated with military duty, including but not limited to Agent Orange, Gulf War Syndromes, toxic materials or harmful physical agents such as, depleted uranium, and hepatitis C, and Post Traumatic Stress Disorder Screening for veterans, their surviving spouses and health care providers.

2. The program shall include but not be limited to the following elements:

(a) public service announcements;

(b) establishment of a toll-free telephone hotline to provide information regarding healthcare providers and treatment centers with expertise in illnesses associated with military duty; and

(c) establish a veterans health information clearinghouse online.

(d) mandatory screening for PTSD from the Veterans Affairs office of NYS within three months of return

3. In exercising any of his or her powers under this section, the commissioner shall consult with appropriate health care professionals, providers, veterans or organizations representing them, the division of veterans' affairs, the federal department of veterans' affairs and the



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FOR SOCIAL RESPONSIBILITY

Committee Assignment: Assembly Freedom 5

Bill #: AF-36

39 United States defense department.

40 4. The commissioner may make rules and regulations necessary and  
41 appropriate for the implementation of this section.

42 **Justification:**

43 As an American, it is known that no value can be placed on the service for past and  
44 present military members. However, they often do not get enough recognition for  
45 all their sacrifice. Anywhere from 11 to 20 percent of veterans that served in Iraq  
46 and Afghanistan suffer from diagnosed and undiagnosed ptsd. This is a large  
47 amount seeing that this would be an estimated 500,000 veterans suffering from the  
48 disorder. 22 soldiers die each day from suicide. There are more casualties from the  
49 soldiers pulling the trigger on themselves than on the battlefield. The screening  
50 costs around 150 dollars and this is the least anyone can do to thank the veterans.  
51 As this may be considered a lot of money to cover for, once again the cost of  
52 service is priceless.

53 **Fiscal Implications:**

54 Each screening will cost 150 dollars per person for each screening and there is  
55 approximately 921,400 veterans in New York State.

56 **Effective Date:**

57 This bill will be enacted one year after passage.





## 2018 New York State YMCA

### Youth And Government

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Committee Assignment: Assembly Freedom 5

Bill #: AF-37

**Sponsors:** Rachel Blake and Rayshan Pannell

#### **An Act To**

Amend § 190.25 of the New York State penal law to include and specify **confines** regarding phishing and any type of online impersonation

*The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

#### **Purpose**

The purpose of this bill is to strengthen the laws against false impersonation and decrease online identification fraud.

#### **Summary of Provisions**

##### **Section 1: Definitions**

Phishing: the fraudulent practice of sending emails, texts, social media applications, websites, accounts, or calls purporting to be from reputable companies or a certain individual or account in order to induce individuals to reveal personal information, such as passwords and credit card numbers, or to exploit an individual sexually or financially.

##### **Section 2:**

§ 190.25 Criminal impersonation in the second degree.

A person is guilty of criminal impersonation in the second degree when he:

1. Impersonates another and does an act in such assumed character with intent to obtain a benefit or to injure or defraud another; or
2. Pretends to be a representative of some person or organization, either online or in person, and does an act in such pretended capacity with intent to obtain a benefit or to injure or defraud another; or
3. (a) Pretends to be a public servant, or wears or displays without authority any uniform, badge, insignia, logo, or facsimile thereof by which such public servant is lawfully distinguished, or falsely expresses by his words or actions that he is a public servant or is acting with approval or authority of a public agency or department; and (b) so acts with intent to induce another to submit to such pretended official authority, to solicit funds or to otherwise cause another to act in reliance upon that pretense.
4. Impersonates another by communication by internet website or electronic means with intent to obtain a benefit or injure or defraud another, or by such communication pretends to be a public servant in order to induce another to submit to such authority or act in reliance) on such pretense.

Criminal impersonation in the second degree is a class A misdemeanor.

5. Any person who knowingly uses another's name, voice, signature, photograph or likeness through social media to create a false identity without such person's



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1 consent, or in the case of a minor the consent of his or her parent or legal  
2 guardian, for the purpose of harming, intimidating, threatening or defrauding such  
3 person, shall be liable for online impersonation and liable for any damages  
4 sustained by the person or persons injured as a result thereof; creating a false  
5 identity in order to obtain a benefit or to injure or defraud another.  
6

7 **Justification**

8 It is necessary for this bill to be amended due to the sweeping number of victims of  
9 identity theft/ fraud in the United States. In 2016, some 15.4 million internet  
10 consumers were victims of such crime. Online thieves stole \$16 billion, with the  
11 mean fraud amount per victim amounting to \$1,038. By strengthening the law and  
12 closing major loopholes, less criminals will slip by unscathed by the law.  
13

14 **Fiscal Implications**

15 The only fiscal implication of this bill is the amount of money saved by reduction of  
16 fraud/identity theft.  
17

18 **Effective Date**

19 This bill will go into effect one year after passage.