

The Legislative Week in Review
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The sixth week of the Legislative Session was another busy one as legislators continued to hold joint budget hearings to examine the Governor's budget proposal and the Governor crisscrossed the State to build local and regional support for his signature proposals. Below is a brief recap of some of the most pertinent developments.

Senate Hearing on Raising the Age of Criminal Responsibility: Broad Acknowledgement System 'Can and Should Be Improved'

Raising the age of criminal responsibility continued to receive notable attention this week as Senate IDC and Republican Chairs of the Committees on Children and Families and Crime Victims, Crime and Correction (Senators Tony Avella and Patrick Gallivan respectively) held a public hearing on raising the age of criminal responsibility and the potential impact on the State of New York. Testimony provided at the hearing was by invitation only and included a number of interested stakeholders, some who spoke in support and others who expressed concern and/or opposition.

The nearly-four hour hearing provided an opportunity for a number of Senators from both sides of the aisle to attend and ask questions. Among the Senators present: Senator Fred Akshar (R-Binghamton); Senator Marisol Alcantara (D-Manhattan); Senator David Carlucci (D-New City); Senator Jesse Hamilton (D-Brooklyn); Senator Pam Helming (R-Canandaigua); Senator Jeff Klein (D-Bronx), Independent Democratic Conference Leader; Senator James Tedisco; Senator Elizabeth Little (R-Queensbury); Senator Gustavo Rivera (D-Bronx).

Mr. Lywan Reed, shared his powerful story of coming into contact with the adult criminal justice system at the age sixteen after assaulting a man he thought had a weapon, an altercation that led him to be sentenced to one to three years in state prison. Mr. Reed explained he served part of his sentence at Riker's Island (spending his seventeenth birthday there) before being transferred to Greene Correctional Facility, where he indicated he spent part of his time in solitary confinement, otherwise known as "the box." Mr. Reed, who is now 20 years old is on track to receive his high school equivalency this month and to attend college this fall, concluded his testimony stating, "By raising the age, sixteen and seventeen year olds will have a chance at redemption."

The District Attorneys Association of the State of New York was among those concerned with Governor's initiative and offered a proposal that calls for the establishment of adolescent diversion courts with parts for misdemeanors and felonies with specially-trained prosecutors, defense attorneys and local judges for misdemeanors and county/family court judges for felonies. Under this proposal, most sixteen and seventeen year olds would be diverted and receive an adolescent adjudication with sentences and services currently available in Family Court.

The NYS Association of Counties remains supportive philosophically of raising the age but expressed serious concerns with the Governor's proposal to shift a substantial portion of implementation costs on the counties, upwards of \$100 million, with the potential for reimbursement.

The good news coming out of the hearing is that there was broad agreement that the current system for sixteen and seventeen year olds needs improvement and there is a need for a hybrid system – somewhere between the adult criminal court

Raising the Age

"It is shocking to many to find out that New York stands alongside North Carolina in being one of the last states to continue to charge 16- and 17-year-olds as adults. We should be treating children like children, not throwing them behind bars with grown men and women for minor offenses. Today's hearing is an important first step in finding a real common sense solution to keep youth offenders out of our criminal justice system so that they can go on to lead successful lives." ~ Sen. Jeff Klein (D-Bronx/Westchester).

"We cannot afford to give up on our teenagers who have made mistakes during their formative years. Treating 16- and 17-year-old nonviolent offenders as adults makes little sense and leaves no room for rehabilitation. Such a policy turns teens who have made mistakes into career criminals who spend their lives within the criminal justice system. These teens, most of whom are people of color, deserve the chance to take a positive path focusing on rehabilitation so that they can become productive, contributing members of society." ~ Sen. Marisol Alcantara (D-Manhattan).

"We've spent years presenting the scientific and fiscal evidence, advocating for reformation of an archaic system, and sharing the dire consequences our current system exacts on youth and their families. The time has come to Raise the Age. We, the families stand hopeful this will be the year the legislature and Governor reach an undoubtedly life saving consensus for our youth." ~ Paige Pierce, CEO, FTNYS.

"I'm a former member of law enforcement and I have a very open mind in dealing with this issue," ~ Sen. Fred Akshar (R-Binghamton).

system and family court system for handling these youth. This is a significant step forward, recognizing the advocacy and collective efforts of many stakeholders in the Raise the Age Campaign have undertaken to build broad legislative support and consensus.

Following the hearing, Senator Gallivan (R-Elma), who co-chaired the hearing said, “Now the time is for us to digest all of it, see where there is agreement and disagreement and continue having discussions going forward.”

While a transcript of the hearing is not yet available, the video of the hearing is available on the Senate website at: <https://www.nysenate.gov/calendar/public-hearings/february-06-2017/age-criminal-responsibility-and-its-impact-new-york-stat-0>.

Meanwhile, Assemblyman Joseph Lentol (D-Bronx), Chair of the Assembly Committee on Codes, has advanced a bill for raising the age, while the Senate Independent Democratic Conference has indicated it will put forth its own as well, creating the potential for four separate proposals.

2017-18 Budget Update: Joint Legislative Hearings Continued This Week Focusing on Mental Hygiene, Taxes, and Human Services

Joint budget hearings continued this week, focusing on mental hygiene, taxes, and human services. Presentations at the mental hygiene hearing included testimony from Ann Sullivan, M.D., Commissioner of the Office of Mental Health (OMH), Helene DeSanto, Acting Executive Deputy Commissioner for the Office of People with Developmental Disabilities (OPWDD), and Arlene González-Sánchez, Commissioner Office of Alcoholism and Substance Abuse Services (OASAS).

The OMH Commissioner faced questions regarding the plan to close Western New York Children’s Psychiatric Center and merge it with Buffalo Psychiatric Center; legislators from the area strongly oppose. Dr. Sullivan noted there would be no reduction in capacity and there would be separate entrances and recreational space for youth on the Buffalo Psychiatric Center campus, while noting the Western New York Children’s Psychiatric Center requires \$40 million in capital upgrades if it is to remain open. Dr. Sullivan added that treatment for sex offenders at Buffalo Psychiatric Center would be moved before the merger and transition of the youth population. Dr. Sullivan added the move creates the potential to serve hundreds of additional families and youth. Regarding the assessment and potential relocation of Hutching’s Children and Youth inpatient services, Commissioner Sullivan explained there have been preliminary discussions with SUNY Upstate, including the potential to expand capacity.

The questions for the OASAS Commissioner focused in large part on the efforts to combat the raging opioid and heroin epidemic, including how funds allocated in last year’s budget have been disbursed. Hearings scheduled for next week include: Environmental Conservation on Monday, February 13; Elementary and Secondary Education on Tuesday, February 14; Transportation on Wednesday, February 15; Medicaid/Health on Thursday, February 16 and the final hearing on Housing on Friday, February 17, 2017. At the conclusion of these hearings, the Legislature heads on winter break before returning on Tuesday, February 28, 2017.

GOVERNOR RALLIES SUPPORT FOR FREE-TUITION PLAN FOR STUDENTS FROM INCOME ELIGIBLE FAMILIES

Governor Cuomo launched the Excelsior Scholarship Campaign on Tuesday at an appearance at Buffalo State College, part of a broader plan to visit SUNY and CUNY schools to build support for this plan to provide free-tuition to students from families with an income of \$125,000 or less when fully phased in (as we previously reported). In that regard the Governor also unveiled the “Making College Possible Coding Challenge,” an invitation for students to create a mobile app or website that will provide information on this scholarship opportunity and for SUNY and CUNY students to share their stories about what “making college possible” means.

As part of the launch of this campaign, the Governor’s touting the support the plan has received from a number of mayors representing cities and villages in Western New York and released a breakdown of families with college-age students and the percentage eligible by region.

Region	Number of Families with College-Age Students	Percentage Eligible
Western New York	68,712	78.8%

New York City	461,499	84.3%
Long Island	112,890	55.6%
Hudson Valley	92,333	63%
Capital Region	44,108	74.9%
Mohawk Valley	24,845	84.8%
Finger Lakes	55,747	79.2%
North Country	18,542	84.8%
Central New York	37,922	79.6%
Southern Tier	25,588	81.2%
Statewide Total:	942,186	75.7%

Source: <https://www.governor.ny.gov/news/governor-cuomo-kicks-excelsior-scholarship-campaign-make-college-tuition-free-new-york-s-midd-0>

ENERGY/ENVIRONMENTAL NEWS

- As part of the Governor’s plan to reduce greenhouse gas emissions 40 percent by 2030, Governor Cuomo announced a two-year \$15 million rebate program to support the installation of ground-source heat pumps, providing the typical residential consumer with \$6,000 to support the installation. Currently, natural gas, propane and oil are the main energy sources for space heating, cooling and hot water systems in residential and commercial buildings. Additional details are available via the link provided below.
- The Senate and Assembly passed legislation this week that would place a one-year moratorium on the New York City law charging individuals five cents per plastic bag (“carryout bags), which is scheduled to go into effect on February 15, 2017. The Governor has not indicated whether he will sign or veto the legislation.

FEDERAL NEWS

- President Trump’s pick for Secretary of Education Betsy DeVos was confirmed by the U.S. Senate in a vote of 51-50 with Vice President Pence breaking the tie.
- President Trump’s choice for Health and Human Services Secretary, Tom Price, who will be instrumental in the discussions and plan for repealing the Affordable Care Act, was confirmed by the Senate early Friday morning by a vote of 52-47.

NON- POLITICAL NEWS OF THE WEEK

- The Governor came across a stranded motorist on the Sprain Brook Parkway amidst the snow storm yesterday and came to the rescue! Photo Courtesy of Melissa DeRosa.



Links

Raise the Age

<https://www.nysenate.gov/newsroom/press-releases/jeffrey-d-klein/new-york-state-senate-committee-children-families-and>
<http://www.nystateofpolitics.com/2017/02/raise-the-ages-chances-boosted-this-year/>

Tuition Plan

<http://blog.timesunion.com/capitol/archives/272000/watch-at-10-a-m-cuomo-talks-college-tuition-in-buffalo/>
<http://www.observertoday.com/news/page-one/2017/02/making-college-possible/>
<http://wivb.com/2017/02/06/gov-cuomo-to-speak-at-buffalo-state-college-tuesday/>
<https://buffalonews.com/2017/02/07/cuomo-tout-tuition-proposal-today-buffalo-state/>
<http://www.wgrz.com/news/cuomo-pushes-tuition-free-plan-at-buffalo-state/402603966>

Energy/Environmental News

<https://www.governor.ny.gov/news/governor-cuomo-announces-proposal-15-million-rebate-program-renewable-heating-and-cooling>