



Assemblyman **MICHAEL SIMANOWITZ**

**Reports to
the people**
Summer 2012

Dear Neighbor:

Now that my first legislative session has ended, I thought that you might be interested in some legislation that was recently passed, as well as projects I have been working on.

The end of the 2012 legislative session brought a number of significant changes to the state and our local communities. I am proud that both houses of the legislature passed my first major piece of legislation: parental consent for minors to get body piercings. The bill now awaits the governor's signature. I also worked on bills making it tougher to access child pornography online and an expansion of the DNA databank to include more offenses so law enforcement can better protect the public. I also co-sponsored legislation to change the education law so the city could restore yellow school buses for seventh and eighth graders in College Point.

As you know, I maintain a full time district office at 159-06 71st Avenue, Flushing, NY 11365. The phone number is (718) 969-1508. My staff and I are available Monday through Friday from 9:00 a.m. to 5:00 p.m. We also have Spanish and Russian speakers on staff to assist you. If you or your community organization need help with a particular problem or issue, or are interested in a specific piece of legislation, please do not hesitate to contact my district office.

I wish all my constituents a safe and relaxing summer.

Sincerely,

New Nine Year Lease for Local Flushing Key Food After Community Protest

Assemblyman Simanowitz, (D-Electchester) organized a community rally in front of Key Food on 69th Avenue to help preserve an important community resource. The store came dangerously close to being eliminated when its landlord entered into negotiations with a big box pharmacy to take over the location.

The Assemblyman thanked the residents of Electchester and Hillcrest for making their voices heard. "If not for the active nature of this community, there is no doubt Key Food would have been lost when its lease expired in a few years," he stated.



Assemblyman Simanowitz (center) with Senator Toby Ann Stavisky, Councilman James Gennaro, 107 Precinct Community Council President Carolann Foley, Key Food owner David Mandel, and Assemblyman Rory Lancman rally with the community to save Key Food.

Assemblyman Michael Simanowitz Sponsors Legislation Making Access to Child Pornography Online Illegal

Assemblyman Michael Simanowitz announced the passage of legislation making it illegal to knowingly access child pornography online—bringing New York into line with federal law. The bill (A.10713/S.7742), which the Assemblyman was a prime sponsor of, easily passed both the Assembly and Senate and is expected to be signed into law by the Governor.

"Technology is constantly changing and evolving, so we must use due diligence to ensure our laws are updated as well," said Simanowitz. "This measure will protect our children, making it a crime to knowingly access child pornography on the Internet with the intent to view it."

On May 8, the state Court of Appeals ruled that viewing child pornography on the Internet without taking further action to pos-

sess it, such as printing, downloading or saving the files, does not constitute possession of child pornography. Current state law prohibits the possession and promotion of child pornography, but doesn't address knowingly viewing or accessing it online.

"Our child pornography laws are not up to date," said Assemblyman Simanowitz. "The Assembly's legislation will fix the problem, catch more criminals and bring justice to our most vulnerable victims."

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

DNA Databank Expansion Protects Public from Dangerous Criminals

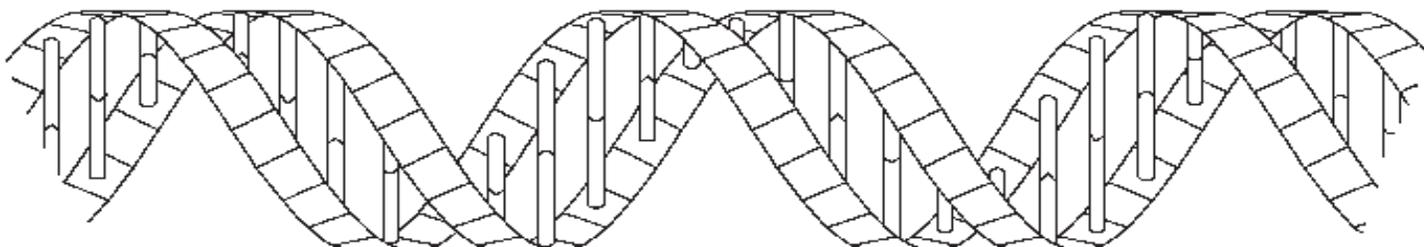
Assemblyman Michael Simanowitz co-sponsored legislation (A.9555) to expand the list of offenses that require a DNA sample from a convicted offender. The bill also enacts provisions to help ensure that defendants and wrongfully convicted individuals have more fair and equal access to DNA testing and the DNA databank.

The expanded list of crimes for which DNA will be collected include all felonies and all penal law misdemeanors, with some exceptions, such as when individuals are convicted of criminal possession of marijuana in the fifth degree which is a class B misdemeanor.

The DNA databank matches known suspects with unknown biological profiles from a pending investigation or left at a crime scene. Since the inception of the databank in 1996, there have been

more than 10,000 hits resulting in over 2,900 convictions. According to the NYS Division of Criminal Justice, convicted criminals who are currently in the databank have, on average, been convicted of three previous crimes for which no DNA was collected—before they committed a crime that required such a sample. The databank will now include a DNA profile for every person convicted of such a crime after Oct 1, 2012 which is the effective date of this bill.

The legislation also clarifies the authority of a court to order post-conviction testing when a defendant has filed a motion to vacate a conviction and the court finds that such testing would help determine a person's innocence. This access will give more defendants the chance to prove their innocence.



Friends of Pomonok Library Honor Former Assemblywoman Nettie Mayersohn

Assemblyman Simanowitz's predecessor, Assemblywoman Nettie Mayersohn, was honored by the Friends of Pomonok Library for her 28-year career in the legislature.

Pictured (from l. to r.) are: Deputy Borough President Barry Grodenchik, Queens Library Director & CEO Thomas Galante, Former Queens Borough President Claire Shulman, Assemblywoman Mayersohn, Assemblyman Simanowitz, and Senator Toby Ann Stavisky.



World Autism Day at the Unisphere in Flushing Meadows Corona Park

Assemblyman Simanowitz joined Local Union #3 IBEW Business Manager Christopher Erikson at World Autism Day in Flushing Meadows Corona Park to raise public awareness of autism and encourage the continuation of resources to those affected.



Briarwood Street Fair

Assemblyman Simanowitz with Briarwood Community Association President Seymour Schwartz, Brian Yuska, Facilities Manager for Archbishop Malloy High School, and President of Archbishop Malloy High School Richard Karsten at the Briarwood Street Fair.

Legislation Requiring Minors Under 18 to Obtain Written Parental Consent for Body Piercing Ready for Governor's Signature

Assemblyman Michael Simanowitz is pleased to announce that the Legislature has passed his bill (A.10095) requiring parental consent for persons less than 18 years of age to receive a body piercing. The bill now awaits the Governor's signature.

The measure amends the public health law to prohibit an owner, operator or employee of a body piercing studio from performing a body piercing on a person under 18 years of age without the written consent of a parent or guardian.

Currently, there is no minimum age requirement for body piercing, and while certain studios require written consent before piercing persons under the age of 18, many do not. This legislation

is necessary to mitigate the dangerous effects of body piercing, while ensuring that parents and guardians play a pivotal role in the decision for persons less than 18 years of age to receive a body piercing. At this time, in the United States, 31 states have laws that prohibit body piercing on minors without parental permission.

"Body piercings can pose a significant health risk if not cared for properly," said Simanowitz. "This bill will ensure that parents are aware of their son or daughter's intent to receive a body piercing to prevent complications such as allergic reactions, skin infections or scarring."



Richmond Hill Block Association Graffiti Cleanup Project

Assemblyman Simanowitz assists members of the Richmond Hill Block Association in painting over graffiti in the neighborhood. Volunteers from Richmond Hill participate in graffiti clean-up events throughout the year. It is supported by the 102 Precinct, local legislators, and the Queens Borough President.



Forest Hills Cooperative Annual Shareholders Meeting

Assemblyman Simanowitz is presented with an award for his work in the community by the Forest Hills Cooperative Board of Directors during their annual shareholders meeting.



Health Fairs

Assemblyman Simanowitz is proud to continue the tradition of hosting a series of health fairs throughout the district. The fairs give constituents the opportunity to get information and screenings from numerous providers including: New York Hospital Queens, Flushing Hospital, Forest Hills Hospital, NYC Department of Health, FDNY, Social Security, EPIC, VNS Choice, and various other health and safety-related providers. People were given the opportunity to take advantage of free screenings, including: blood pressure, cholesterol, vision, dental and podiatry.

Above are pictures from (left) Forest Hills Health Fair at Queens Community House, (upper right) Electchester/Pomonok/Kew Gardens Hills Health Fair, and (right) College Point Health Fair at Poppenhusen Institute.



Assemblyman Simanowitz Fights for Resources in FY 2012-2013 State Budget

I am pleased to report that the Legislature and the Governor have agreed to an on-time fiscal budget for 2012-2013. Despite these tough economic times, we fought hard to protect funding in a number of key areas including early intervention, school aid, economic development initiatives and EPIC. We have also made important changes to the MTA Payroll Mobility Tax to either eliminate or ease the tax burden on businesses and educational institutions. Some of these provisions are outlined below:

Early Intervention (EI):

- Rejects several insurance industry takeover provisions proposed by the executive that would have put EI programs in jeopardy;
- Requires EI service coordinators to notify the Office of Persons with Developmental Disabilities (OPWDD) if a child may be eligible for its services; and
- Requires EI service coordinators to implement the Individualized Family Services Plan (IFSP) in a timely manner.

School Aid:

- Increases overall school aid by \$805 million (\$292 million for New York City) and increases community college base aid for the first time in five years;
- Restores \$10.2 million to teacher resource and training centers;
- Increases non-public school aid by \$7 million for a total of \$123.6 million;
- Increases aid to public libraries by \$3.9 million, providing \$82.9 million in total funding;
- Increases student full time equivalents (FTE) to SUNY for a total of \$22.1 million and to CUNY for a total of \$9.1 million;
- Restores \$3.5 million to the Higher Education Opportunity Program for a total of \$24.3 million.

Economic Opportunity and Job Growth:

- \$794.6 million to Empire State Development Corporation projects to promote business growth, job creation, and community revitalization projects;
- Increases capital spending for infrastructure projects including \$1.6 billion to repair and rebuild parks, roads and bridges;
- Allocates \$1.6 million for Minority and Women owned Business Enterprises (MWBE);
- \$770 million to assist in financing the final three years of the MTA 2010-14 Capital Plan.



EPIC

- Provides \$30.6 million for restoration of co-payment assistance. Now enrollees will pay no more than \$20 when filling a prescription.



MTA Payroll Mobility Tax Changes:

- Eliminates the MTA payroll tax for qualifying businesses with annual payrolls of \$1.25 million or less and for those who are self-employed and earn less than \$50,000 a year;
- Public and private schools are now exempt;
- Additional savings for small businesses with payrolls up to \$1.75 million.

ASSEMBLYMAN MICHAEL SIMANOWITZ

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