



# *In the News – State*

## **Governor Cuomo Signs Legislation Closing Loophole to Prevent Mentally Ill People from Obtaining Firearms**

Governor Andrew Cuomo this week signed legislation (Chapter 242) closing a loophole to give law enforcement access to out-of-state records to help prevent the dangerously mentally ill from obtaining a firearm license in New York.



Gov. Cuomo speaks during a news conference in New York, Tuesday, June 5, 2018.

Under current law, individuals can apply for a firearm license in the county in which they reside, regardless of the location of the individual's permanent residence. Before a firearm license is issued, individuals must submit to a background check, but current rules often prevent access to out-of-state records pertaining to people who are dangerously mentally ill. The National Instant Criminal Background Check System only flags people who have been involuntarily committed. As a result, the current system does not prevent dangerously mentally ill people who have not been involuntarily committed from applying for a firearm license in New York - this new law closes that loophole.

The new law takes effect November 2, 2019.

Additionally, the Governor signed a measure allowing local and state law enforcement officers more access to an individual's information on a firearm license application (Chapter 244). The bill took effect immediately upon signature.

Previously, handgun license holders and applicants are able to request that their application information be exempt from public disclosure, which creates a loophole denying law enforcement real-time information that they would otherwise have when responding to a call. Not knowing whether an individual has a gun or if a gun is likely on the premises puts law enforcement officers in potential danger, particularly in domestic violence incidents where they must enter a home without any knowledge of whether a gun is present.

This new law grants law enforcement officers access to this critical information, allowing them to take extra precautions to provide for their safety and the safety of others.

"These measures continue to build on our nation-leading gun laws by helping keep guns out of the hands of dangerous individuals and providing law enforcement with the tools and knowledge they need to keep our communities safe from situations that may involve a deadly firearm."

This legislation builds on New York's SAFE Act, the Red Flag law - which went into effect August 24 and prevents individuals who show signs of being a threat to themselves or others from purchasing or possessing a firearm - and legislation Governor Cuomo signed this year extending the background check waiting period and banning bump stocks.



## **Chapters of the Laws of 2019**

***Chapter 214 – Sponsored by Senator Hoylman / M of A Dinowitz*** -- Allows a government agency engaged in the enforcement of a civil or criminal law to file an affidavit in any county.

***Chapter 223 – Sponsored by Senator Gianaris / M of A Dinowitz*** -- Relates to the admissibility of images, maps, locations, distances, calculations or other information for a web mapping service.

***Chapter 228 – Sponsored by Senator Persaud / M of A Reyes*** -- Extends, for two years, the Interagency Task Force on Human Trafficking, originally established in 2007.

***Chapter 240 – Sponsored by Senator Bailey / M of A Lentol*** -- To allow off-hour arraignment magistrates to remove certain eligible cases to family court at the in initial appearance.

***Chapter 242 – Sponsored by M of A Hunter / Senator Kaplan*** -- Relates to access to foreign state records concerning previous or present mental illness of applicants for firearms license.

***Chapter 243 – Sponsored by Senator Kruger / M of A Benedetto*** -- Requires information on concussions and sub-concussive blows to be provided to all parents of children playing tackle football.

***Chapter 244 – Sponsored by Senator Biaggi / M of A Paulin*** -- Relates to local and state law enforcement's access to records of applications for licenses of firearms.

***Chapter 245 – Sponsored by M of A Zebrowski / Senator Kaplan*** -- Establishes a time period in which an action to recover damages for injury arising from domestic violence must be brought.



## Governor Cuomo Announces Administration Appointments

Governor Andrew M. Cuomo this week announced new appointments to his administration.

"New York is poised to continue our upward momentum after concluding the most productive legislative session in modern political history," Governor Cuomo said. "I am proud to welcome this group of talented individuals to our administration."

**Kumiki Gibson** has been appointed Counsel to the Governor. Originally from Buffalo, Ms. Gibson brings to the Executive Chamber extensive legal experience, working at the highest levels of government, including over two years as Counsel and three years as Associate Counsel to Vice President Al Gore. Previously, Ms. Gibson has served as Senior Vice President and Counselor to the President at the National Urban League; Commissioner of the New York State Division of Human Rights; Vice President and General Counsel at Johns Hopkins University; a partner at the Washington, D.C. law firm Williams & Connolly; and a prosecutor for the U.S. Department of Justice's Civil Rights Division. Most recently, she served as Senior Advisor and General Counsel for the New York State Higher Education Services Corporation. Ms. Gibson clerked for the Honorable Clifford Scott Green at the U.S. District Court for the Eastern District of Pennsylvania. Ms. Gibson earned an A.B. in Government, cum laude, from Harvard University, and a J.D. from Northeastern University.

**Elizabeth Garvey** has been appointed Special Counsel and Senior Advisor to the Governor. Since January 2018, Ms. Garvey has served as Senior Vice Chancellor for Legal Affairs and General Counsel for the State University of New York. Prior to her position at SUNY, Ms. Garvey served as Counsel for the New York State Senate Majority, First Assistant Counsel to the Majority for the New York State Senate, and Assistant Counsel to the Majority. She earned a B.A. in Communication, cum laude, from Mary Baldwin College and a J.D., cum laude, from Albany Law School.

**Jim McDonough** has been appointed Director of the Division of Veterans' Services. Mr. McDonough previously served as the Director of the New York State Division of Veterans' Affairs from 2007 to 2010. Prior to joining the administration, he served as the Managing Director of the Institute for Veterans and Military Families at Syracuse University; a Senior Fellow for Veterans Affairs at the New York State Health Foundation and President and Chief Executive Officer of the Veterans Outreach Center in Rochester. Mr. McDonough has served in key military assignments, including as a Senior Operations Officer during Operation Iraqi Freedom; a Battalion Commander in the 3rd Battalion, 43rd Air Defense Artillery Regiment; a Joint Operations Officer for the Joint Staff in Washington, D.C.; an Operations Officer and Executive Officer for the 1st Battalion, 43rd Air Defense Artillery Regiment; and as a speechwriter to the Secretary of the Army. McDonough retired as a Colonel in 2007. He has a Master's degree in Strategic Studies from the United States Army War College, a Master's degree in Communications from Indiana State University and a Bachelor's degree in Anthropology from SUNY Plattsburgh.

**Jesse Campoamor** has been appointed Deputy Secretary for Intergovernmental Affairs. Previously, he served as Director of Community Affairs in the Office of the New York City Comptroller and as Political Organizer for 1199SEIU, New York. He received a Bachelor's of Arts Degree from Lafayette College.

**Simonida Subotic** has been appointed Deputy Secretary for Economic Development. She served as a Principal for the Boston Consulting Group, held consulting roles at the World Bank Group and the United Nations and served as a Director of Operations at Codecademy. Ms. Subotic received a Bachelor's degree in Political Science and Economics from Towson University and a Master's degree in Public Policy, Political and Economic Development from the John F. Kennedy School of Government at Harvard University.

**Jeremy Shockett** has been appointed Deputy Secretary for Public Safety. Previously, Mr. Shockett served as the First Deputy Chief of the Trial Division for the King's County District Attorney's Office, Executive Assistant District Attorney and an Assistant District Attorney for the Bronx County District Attorney's Office and as a Special Assistant U.S. Attorney for the Eastern District of New York. Mr. Shockett received his Bachelor's degree in Political Science from the University of Florida and graduated from the National Law Center at George Washington University.

**Matthew Saal** has been appointed Senior Advisor for Communications. Previously, Mr. Saal worked as Creator and Executive Producer at Bloomberg LP, as Creator and Executive Producer at MSNBC and as Senior Broadcast Producer at NBC News." Mr. Saal earned a B.A. from Harvard College.

**Colleen Curtis** has been appointed Senior Director of Digital Strategy and Social Media. She served as Senior Vice President for Consumer, Social and Digital Publicity at Starz Entertainment and the Director of Digital Content at the Executive Office of the President. In addition, Ms. Curtis previously served as Editorial Director of Womens & Lifestyle Programming at AOL, and in senior editorial positions at ABC's Good Morning America, the New York Daily News, and the National Post. Ms. Curtis studied journalism at Boston University's College of Communications and Columbia University's Graduate School of Journalism.

**Jeremy M. Goldberg** has been appointed Deputy Secretary for Technology and Innovation for the State of New York. Jeremy served as Deputy CTO and Managing Director of NYCx in the New York City Mayor's Office of the Chief Technology Officer (MOCTO), as Director of Civic Innovation Partnerships in the Mayor's Office of Civic Innovation in San Francisco, and as Deputy Chief of Staff for Civic Innovation in San Jose, California. Jeremy earned a B.A. in Government from the University of Texas at Austin and an M.A. in Public Affairs from the University of San Francisco.

**Edgar Santana** has been appointed Director of Downstate Regional Affairs. Mr. Santana previously served as Director of Political and Governmental Affairs for the Laborers Eastern Region Organizing Fund, as the Construction Marketing Representative for the Eastern Region Laborers-Employers Cooperation and Education Trust and as Deputy Executive Director for the New York State Democratic Committee and the Northeast Political Director for Hillary Clinton for President. He received a Bachelor's degree in Business Administration, an MBA from Fordham University, and a Master of Science Management Degree in Public Administration from Wilmington University.

**Brandon Hicks** has been appointed Director of African American Affairs. Mr. Hicks served as the National Organizer for the National Action Network. Mr. Hicks holds a Bachelor's degree in Political Science from North Carolina Central University and his Juris Doctor from Washington and Lee University School of Law.

**Maria LoGiudice** has been appointed Assistant Deputy Secretary for Public Safety.. She previously served as the Managing Director of Budget and Fiscal Studies for the New York State Senate Finance Committee. Ms. LoGiudice received a Bachelor's degree of Science and a Master's degree of Science in Criminal Justice Administration from Niagara University.

**Molly Reilly** has been appointed Assistant Secretary for Upstate Intergovernmental Affairs. Ms. Reilly most recently served as the Mayor of Sackets Harbor and as a professional educator, during which time Governor Cuomo selected her as an Empire State Excellence in Teaching Awardee. She received her Bachelor's degree in Political Science from Le Moyne College and a Master's degree in Political Science with a Concentration in Political Theory from the Nelson A. Rockefeller College of Public Affairs And Policy at SUNY Albany.

## *In the News – City*



### **Plan to Close Rikers Island Moves to City Council**

*Subcommittee on Landmarks, Public Siting and Maritime Uses Holds Hearing on Controversial Plan*

The de Blasio administration's proposal to build four new jail facilities to replace Rikers Island drew concerns Thursday from City Council members and stakeholders during the Council's only scheduled hearing on the issue.

Earlier this week, the City Planning Commission approved the plan, 9-3, placing the decision on the Council's docket. A full Council vote will be held in October.

The city's \$ 8.7 billion proposal for closing Rikers calls for new jails to every borough except Staten Island. The plan is currently moving through the city's land use review process. With the Planning Commission's approval, the City Council has 50 days to bring the plan for a full Council vote.

Thursday's Subcommittee on Landmarks, Public Siting and Maritime Uses meeting brought Administration officials, Councilmembers, and advocates together to weigh in on the local implications of the four new buildings as well as the criminal justice impacts of a major overhaul of the city jail system.

Four new jails are slated to be built on the site of a nine-story government building at 80 Centre St. in lower Manhattan, the NYPD's Bronx tow pound in Mott Haven, the Queens Detention Center in Kew Gardens, and the Brooklyn Detention Complex in Boerum Hill. The areas are represented by Council members Margaret Chin, Diana Ayala, Karen Koslowitz, and Stephen Levin.

To implement the plan, the City's prison population must be reduced to 4,000. There are currently 7,000 inmates in the jail system, compared to 9,400 in 2017. In addition, there would be a reduction in staffing at the facilities. At the hearing, the Department of Corrections could not provide a estimates of staffing levels as no jail plans had been created yet, but representatives stated that downsizing would be accomplished through attrition and not layoffs.

Area Council members cited concerns with the physical aspects of the proposed facilities. Under the current plan, the jail in Brooklyn could climb to 395 feet, up from the current 220-feet. In Manhattan, a jail that could be 450-feet tall would replace the much smaller Manhattan Detention Complex on White Street. The jail in Queens the facility could be 270 feet tall.

Councilmember Koslowitz asserted that a building at that height is "absolutely unacceptable to me and to my community." Meanwhile, Council member Chin expressed similar reservations, saying she has a "big problem" with the height of the proposed building.

Council member Rafael Salamanca Jr., the City Council member who represents the South Bronx and the chair of the council's land use committee, said, "Despite a pledge to have meaningful community engagement, the details surrounding the Bronx jail has felt more like a one-sided conversation, truly meant to check off a box. It is clear the proposed location is not the right one for the community."

Former Supreme Chief Judge Jonathan Lippman, a long-time advocate of closing Rikers, countered the criticism of the plan with its overarching goal.

"...you can argue the details, the height, the science, all of it! But rejecting this plan will mean Rikers continues to exist for generations to come, and that can't be our legacy," Judge Lippman said. "Rikers Island's jails disproportionately impact black and brown communities ... They accelerate human misery and hurt public safety."

According to the Mayor, the goal of the borough-based jail system is to provide a safer and more humane environment for people in custody and those who work in the proposed jails. The borough-based facilities would be designed to reduce violence with improved lines of sight due to modern layouts, smaller and more manageable housing units, and better monitoring practices. In addition, the new rehabilitative facilities would be designed to improve health, educational, and social outcomes.



## Mayor Launches Office for the Prevention of Hate Crimes

Mayor Bill de Blasio this week announced the hiring of Deborah Lauter as the new Executive Director of the Office for the Prevention of Hate Crimes (OPHC), officially launching the new city organization months ahead of the official deadline. Ms. Lauter, formerly a senior vice-president for the Anti-Defamation League, began her work with the Office on August 26, 2019.

“In New York City, we cherish our differences and reject all attempts to divide – everyone is respected and supported, regardless of their race, religion, sexual orientation or any other quality that makes them who they are,” said Mayor Bill de Blasio. “With Deborah leading our Office for the Prevention of Hate Crimes we’ll be able to take a closer look at the root cause of hate and weed it out of our society. Together, we’ll work with communities to make our streets safer.”

Housed in the Mayor’s Office of Criminal Justice, the OPHC will coordinate city efforts to prevent and respond to hate crimes through an interagency committee, which includes the NYPD, City Commission on Human Rights, Department of Education, Mayor’s Office of Immigrant Affairs, and Department of Health and Mental Hygiene.

OPHC will work to address the underlying factors driving hate crimes of all types, and against all targeted communities, through proactive outreach to community groups and coordinated intervention efforts among government agencies to deploy resources before incidents occur.

## *Briefs*

### **AG James Investigating Facebook For Possible Antitrust Violations**

New York State Attorney General Letitia James confirmed this week that she is leading a bipartisan coalition to investigate social media company Facebook for antitrust issues.

Even the largest social media platform in the world must follow the law and respect consumers. I am proud to be leading a bipartisan coalition of attorneys general in investigating whether Facebook has stifled competition and put users at risk,” Attorney General James said. “We will use every investigative tool at our disposal to determine whether Facebook’s actions may have endangered consumer data, reduced the quality of consumers’ choices, or increased the price of advertising.”

Joining Attorney General James on the leadership team investigating Facebook are the attorneys general of Colorado, Florida, Iowa, Nebraska, North Carolina, Ohio, Tennessee, and the District of Columbia. The investigation focuses on Facebook’s dominance in the industry and the potential anticompetitive conduct stemming from that dominance.

## **New York City Sues T-Mobile for Deceptive Practices Violating the Consumer Protection Law**

New York City Mayor Bill de Blasio and New York City Department of Consumer and Worker Protection Commissioner Loreli Salas announced that New York City is suing T-Mobile for violating the City's Consumer Protection Law. The lawsuit is suing T-Mobile's subsidiary MetroPCS NY and 56 of its authorized dealers and stores across all five boroughs as well.

The suit alleges that T-Mobile and MetroPCS have scammed New Yorkers thousands of time by engaging in numerous predatory practices. These practices include selling used phones as new, enrolling consumers in financial plans without their consent, deceiving about the nature of the refund policy, overcharging customers through fake fees and illegal taxes and failing to provide customer with receipts.

"Metro by T-Mobile stores are scamming New Yorkers into buying used phones, tacking on additional costs, enrolling them in financing that's destroying their credit, and then trapping them with their deceptive return policy and incomplete receipts," DCWP Commissioner Salas said. "T-Mobile's rampant and repeated deception is made more troubling by the fact that these tactics particularly harm consumers who are simply seeking to find an affordable wireless plan."

The City seeks to end all of T-Mobile's illegal activities, have T-Mobile forfeit the revenue from such illegal practices, pay civil penalties, and to notify major credit bureaus that the financing plans entered into at these stores were fraudulent.

## **NYC Buildings Department Suspends Licenses from Construction Companies**

The Department of Buildings (DOB) suspended the licenses of two construction companies following the death of a construction worker in upper Manhattan earlier this year. The agency is suspending the rigger licenses of Wayne Bellet of Bellet Construction and Mohammad Bhutta of Zain Contracting. Department investigators allege the companies did not obtain required DOB permits before putting up pipe scaffolding at a construction site at 880 St. Nicholas Ave.

In addition, the scaffolding additionally lacked safety measures such as proper guardrails, and the workers did not have required scaffold-safety training, according to DOB. The worker who died on June 22 fell from the second story of the scaffolding, where he was performing façade repair work.

Bellet, Bhutta and building owner, 880 St. Nicholas LLC, will additionally be hit with a series of violations that come with fines totaling \$287,500.

The license suspensions took effect this week, and the agency will pursue the full revocation of the licenses at an upcoming hearing at the Office of Administrative Trials and Hearings.

# Coming Up

## *New York State*

### *Monday September 9<sup>th</sup>*

#### **Implementation of Discovery Reform (S1509 – Part LLL)**

Senate Standing Committee on Codes

Senate Hearing Room, 250 Broadway, 19<sup>th</sup> Floor, New York, 10 a.m.

## *New York City*

### *Monday September 9<sup>th</sup>*

*Committee on Health*, Council Chambers – City Hall, 10 a.m.

*Committee on Public Safety*, Committee Room – City Hall, 10 a.m.

*Committee on Juvenile Justice*, Committee Room – City Hall, 10 a.m.

### *Tuesday September 10<sup>th</sup>*

*Committee on Housing and Buildings*, Council Chambers – City Hall, 10 a.m.

*Committee on Transportation*, Council Chambers – City Hall, 1 p.m.

### *Thursday September 12<sup>th</sup>*

*Committee on Rules, Privileges and Elections*, Council Chambers – City Hall, 10:30 a.m.

*Committee on Land Use*, Committee Room – City Hall, 11 a.m.

*City Council Stated Meeting*, Council Chambers – City Hall, 1:30 p.m.

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