

Dear neighbors and community,

I hope you've been able to enjoy some time outdoors as Spring begins, despite the magnitude of rainfall we have had. It's been quite an intense session to date so thank you everyone for your patience in getting updates and state information out to you all. We have a small but mighty team and as the legislative session has pivoted in rapid fire to the policy season we find our every waking moment bent on getting legislation over the finish line. Staying connected with you all through these updates brings me joy and peace of mind so please keep a lookout for a handful of additional updates over the coming weeks summarizing the budget specifics and legislative actions to date.

Since it has been a handful of weeks since the last newsletter and out of an abundance of care for our collective sanity, I am splitting this newsletter into Part 1: state budget and federal news (this newsletter) and Part 2: legislative updates, news around the district, and local resources (tomorrow's newsletter).

# State Budget



## **Budget Update:**

Five weeks into the policy season of session and after 5 extender bills to ensure that state employees did not experience a break in pay and essential government services remained operational, we passed the budget. Here is a link to the final [budget bills](#). Here is a [link to the NY Assembly final budget book](#) that gives a summary of all the various parts of the budget. As I do each year, over the next few weeks I will give a breakdown of sections of the budget highlighting areas I believe will be of greatest interest to our communities. This week I'm going to start with a few key highlights that were in the news a lot during the budget period - discovery reform, involuntary confinement, a mask offense, and the bell to bell restriction on cell phones in school.

Due to the protracted budget negotiations several session days have been added to the end of session to enable the important business of the policy season. Session is now scheduled to end on Tuesday, June 17th.

### **Changes to the NYS Discovery Law:**

This was the top priority for the Governor and negotiations on the specific language was a central reason for the delay in the budget. Discovery, the process by which the prosecution in a criminal case must hand over evidence to the defense will change as a result of this year's budget. Before lawmakers overhauled discovery laws in 2019, prosecutors were not required to disclose evidence to the defense until the day of the trial. Under current law, discovery requirements are tied to the speedy trial clock. In order for a prosecutor to attest they are ready for trial and stop the clock, they must have turned over all discoverable materials. If a judge finds that the prosecution failed to turn over some evidence without exercising good faith and due diligence, then the judge can invalidate the certificate of compliance, restarting the speedy trial clock which is 90 days for misdemeanors and 6 months for felonies. If evidence is turned over after a certificate of readiness is filed but before the speedy trial clock has run out, the judge has a number of options they can use to address the discrepancy. If this happens after the speedy trial clock has run out then the defense can make a motion to dismiss the case.

The reason for the discovery reform of 2019 was to address the high rate of wrongful convictions, often due to people accepting plea deals simply because they couldn't access the evidence to mount their case effectively and in a timely manner. One of the main arguments from District Attorney's (DAs) to roll back these discovery reforms was that they led to overly burdensome workloads on the part of the DA. They also argued that the reforms led to excessive numbers of cases being thrown out for technicalities. The New York State Department of Criminal Justice Services (DCJS) data was cited as proof of the increased number of dismissals (from 28 to 41% in NYC). However, this data represents all dismissals from arrest to time of trial and through to disposition. These dismissals include those that happen in the first 24 hours because the DA believes that the arresting charge from the police officer exceeds what the evidence can prove. This data also includes dismissals within the first 144 hours by the grand jury or the judge in a preliminary hearing because they believe the DA did not have sufficient evidence for the charge they put forward. The DCJS database therefore was inappropriately used to argue that there was a significant number of increased cases due to cases being thrown out for technicalities. In contrast, the Office of Court Administration (OCA) data separates out dismissals of speedy trial felony indictments (cases where the grand jury felt there was enough evidence to support a felony

indictment). An increase in dismissals post discovery reform would be directly contributed to the requirement for DAs to turn over all relevant evidence within the timeframe allotted for a speedy trial. The OCA data on felony cases shows no increase in NYC - nor across the state - from before to after discovery reform. Rolling back discovery, as the Governor originally proposed, would have undermined the current process by allowing prosecutors to selectively share evidence and choose the timing of sharing the evidence. This would have led to wrongful convictions rates similar to pre-2019 levels.

After months of negotiation, the final budget language amending the discovery law:

- Offers a clearer and more expanded definition of “due diligence” for judges to consider when evaluating belated discovery disclosures, which includes prosecutors’ knowledge of missing evidence, and the volume of evidence and whether the missing evidence was substantially duplicative, insignificant or easily remedied -
  - These considerations also include a factor allowing judges to assess whether the belated discovery is “prejudicial to the defense” when evaluating whether to invalidate a certificate of compliance over missing evidence.
- Requires judges to take a more holistic view when determining whether a prosecutor has acted with due diligence and to explain the basis for their final determination of diligence in writing.

Some of the governor’s original proposals made it into the final budget including a provision that will restrict the time that the defense counsel has to challenge a certificate of compliance to 35 days, with limited ability to ask a judge for extra time. It also gives judges more discretion, allowing them to deny a motion to dismiss after the speedy trial clock has run out if the prosecutor can show they were not acting in bad faith and that they made a good-faith effort to turn over the required evidence in question.

Speedy trial and discovery remain meaningfully tied, so if a judge determines a prosecutor did not exercise diligence and the speedy trial clock has since run out, the cure remains dismissal of the case.

Procedurally, these changes retained a balance between prosecutors and the defense.

**The creation of a new crime for wearing a mask with the intent to conceal while committing a crime:**

The initial language proposed by Governor Hochul would have created a new offense called “masked harassment,” which would make it a crime to wear a mask with the

intent of menacing or threatening another person or group. My concerns, that were shared by civil liberties advocates and many other colleagues, arose from the vague all encompassing language of the proposal and the creation of an entirely new crime. Concerns centered around potential infringements on the rights of individuals wearing masks for health, religious, or cultural reasons. Another concern was the impact on protesters who might wear masks to protect their identities given that this act doesn't immediately inherently constitute a crime. Given that, across the state marginalized people tend to be arrested and charged at a significantly higher rate compared to white counterparts for the same crimes, a final concern was a disproportionate impact on Black and Brown individuals.

Like discovery, the budget negotiations were stalled until a compromise was reached that included the creation of a new charge for mask wearing under certain circumstances. The language that was included in the final budget stipulates that if someone is wearing a mask with the intention of hiding their identity while committing a crime that is defined as a Class A misdemeanor or higher or while fleeing the scene immediately after committing such a crime, the individual can also be charged with a class B misdemeanor for wearing the mask with the intent to conceal their identity. A class B misdemeanor is punishable by a maximum of three months (90 days) in jail and a fine of up to \$500 though the sentence can vary depending on the circumstances.

#### **Establishing a Bell to Bell restriction on cell phones in schools:**

In the final budget language, a "bell-to-bell" cellphone restriction was enacted for all K-12 public and charter schools. This policy mandates that students are prohibited from using smartphones and other internet-enabled personal devices throughout the entire school day, including during classes, lunch, and study periods. Specific language was included to create exemptions for students who require access to their devices for medical reasons, language translation needs, or specific learning disabilities. Individual school districts have the discretion to develop and implement their own plans for how student devices will be stored during school hours. The budget allocates \$13.5 million to assist schools in purchasing storage solutions, such as pouches or lockers, to securely store devices. The plan also requires schools to lay out procedures for parents to contact their children in case of emergency. Exceptions are in place for students who need smartphones for health care purposes, translation apps or a disability as well as those who have responsibilities as caregivers.

#### **Expanding the use of Involuntary Confinement:**

At the core of the Governor's initial proposal was language to amend the state's Mental Hygiene Law and expand the use of involuntary confinement to individuals with severe mental illness believed to be at substantial risk of harm due to their inability to meet

basic needs such as food, shelter, or medical care. There were significant concerns and opposition raised that I shared with advocates and colleagues alike.

The proposed language would have broadened the criteria for involuntary commitment in a manner that could have led to the unjust detention of individuals, particularly those who are homeless. Norman Siegel, former executive director of the New York Civil Liberties Union, artfully articulated our collective concerns that the proposal's expansive language might result in individuals being institutionalized solely based on their housing status, "The fact that someone doesn't have shelter by definition, if this becomes the law, they could pick everyone up immediately because they're unhoused."

Our current statewide mental health infrastructure currently lacks the capacity to provide adequate follow-up care for those who are involuntarily committed and, as [research from the Legal Aid Society](#) showed, has wait lists up to 2 years in some counties for *voluntary* mental health treatment. Without robust community services, individuals who are involuntarily committed might be discharged without proper support, leading to a cycle of rehospitalization or homelessness.

Additional concerns raised included the fact that the proposal could have:

- conflated mental health issues with criminal behavior, potentially leading to increased stigmatization and criminalization of individuals with mental illnesses
- expanded biases in the application of expanded commitment criteria. Data indicates that involuntary commitment measures have historically affected communities of color disproportionately. For example, in NYC, 54% of involuntary transports were for Black individuals, despite representing only 23% of the city's population.
- eroded trust between patients and healthcare providers resulting in worse long-term health outcomes for individuals and ultimately reduced public safety for the community. community-based interventions were highlighted by mental health professionals as more effective alternatives.

Despite concerns raised, the final budget language amended the state's involuntary commitment laws by redefining the standard for "likelihood to result in serious harm." The updated definition now includes individuals who are at substantial risk of physical harm due to their inability or refusal, as a result of mental illness, to provide for their essential needs, such as food, clothing, necessary medical care, personal safety, or shelter. The language requires that the initial evaluation and commitment decisions be made by an examining physician and a nurse practitioner, rather than requiring two physicians given the shortage in practicing psychiatrists. The language also states that, when practicable, police should request EMS transport an individual. The budget allocated a modest \$16.5 million to enhance county-level implementation of Assisted

Outpatient Treatment programs, known as Kendra's Law, and an additional \$2 million for the State Office of Mental Health to oversee these programs.

## Federal News

While it is difficult to keep up with the rapidity to which the federal administration is making funding cuts to the programs and services critical to New Yorkers, I will continue to try and document ones I feel will have direct negative impacts on our communities. Below are a few key cuts to bring to your attention that happened within the last month.



### **Weaponizing Federal Agencies Against Trans Youth**

In a deeply troubling escalation of federal anti-trans policy, the U.S. Department of Health and Human Services (HHS), now under the Trump Administration, has issued new guidance and launched an online portal that encourages individuals to report providers who offer gender-affirming care—labeling such care as “chemical and surgical mutilation.”

The new HHS guidance actively references Executive Order 14187, which falsely characterizes evidence-based medical interventions, including puberty blockers and hormone therapy, as violations of clinical or moral standards. The Department also claims it will protect whistleblowers who object to this care based on religious or moral

beliefs—effectively granting federal protection to individuals who refuse to provide essential medical services.

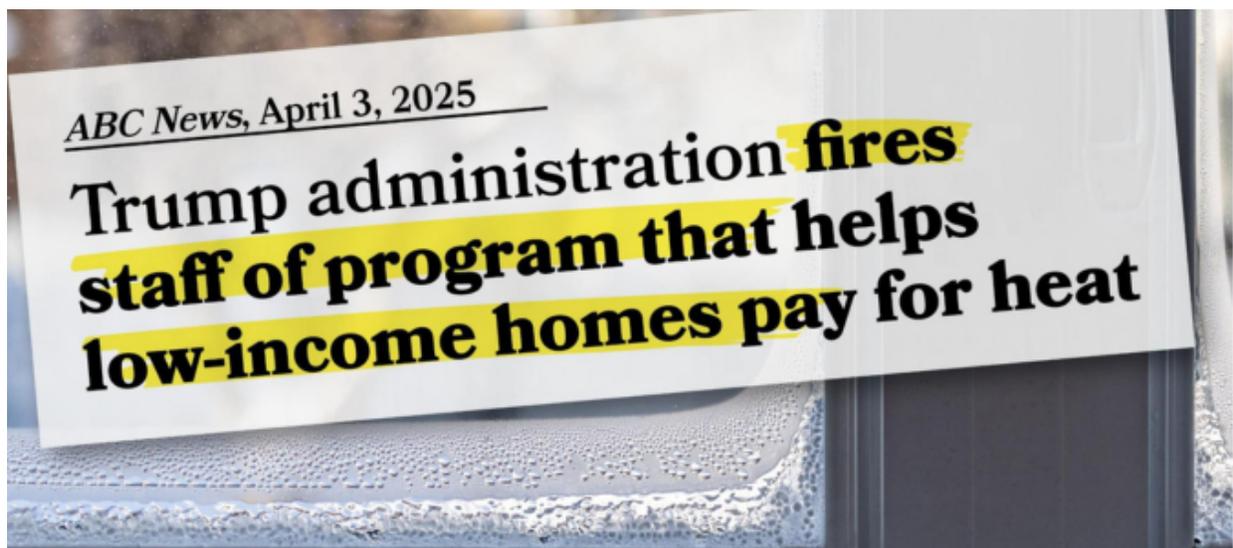
In addition, HHS has launched a federal investigation into a major pediatric hospital accused of firing a nurse who refused to participate in gender-affirming care. The Office for Civil Rights is invoking the Church Amendments, a 1976 anti-abortion provision, to suggest that gender-affirming care can be treated similarly to sterilization or abortion, despite decades of evolving medical standards and legal precedent.

This is part of a broader strategy to redefine widely accepted, evidence-based health care as harmful or criminal—targeting trans youth and their doctors in particular. While multiple courts have already blocked Executive Order 14187 as unconstitutional, federal agencies are continuing to act as though it remains in force.

This comes alongside high-profile examples of individuals who have illegally obtained and leaked confidential medical records to the press in an attempt to undermine gender-affirming care. Despite serious HIPAA violations, the Department of Justice dropped charges against one such individual earlier this month, raising serious questions about selective enforcement of the law based on political ideology.

This policy direction not only threatens the rights and health of transgender youth, but also undermines medical privacy, equal protection, and longstanding clinical standards. It encourages discrimination and fear in health care settings—especially for young people seeking care that is legal, safe, and recommended by major medical associations.

We will continue to monitor developments at the federal level while fighting to uphold inclusive, science-based policy here in New York.



## Federal Home Energy Assistance Program De-Staffed

The federal LIHEAP program—the source of funding for New York’s Home Energy Assistance Program (HEAP)—was completely de-staffed less than a week before assistance applications opened to prepare for hot summer temperatures. This means that millions of households across the country, including nearly 2 million here in New York, are at risk of losing all the support they need to stay safe as summer heat intensifies.

New York’s HEAP cooling assistance opened on April 15. This program targets assistance to families with young children, seniors, people with medical conditions, and low-income households. This program is about basic public health and safety. Without it, illness, emergency room visits, and death tolls will rise.



**FEMA CUTS \$325M IN NY INFRASTRUCTURE FUNDING**

- BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES PROGRAM
- FLOOD MITIGATION AND RESILIENCE PROJECTS
- PREVIOUSLY AWARDED BUT UNDISTRIBUTED FUNDS WILL BE RETURNED

## FEMA Disaster Prevention Aid Cuts

FEMA has pulled \$325 million in promised resiliency funds from New York, cutting off support for critical infrastructure projects that would have helped communities across the state prepare for flooding, storms, and other climate disasters.

These funds were supposed to go toward proactive solutions—like stormwater systems, flood barriers, and emergency preparedness—that help prevent the kind of damage we’ve seen in both urban and rural areas across the state. Instead, those projects are now stalled or canceled, putting people at greater risk. The lack of these resiliency measures have HUGE consequences on the lives of all New Yorkers. For example, the lack of this resiliency infrastructure led to \$2.9 billion in damages in 2021 alone (remember the huge [snow storm in Buffalo that killed at least 37 people?](#)). In 2023, flooding on Cayuga Lake caused damage to homes and properties, particularly in areas

with a history of recent flooding. The Cayuga Lake Watershed Network noted a substantial increase in the frequency of heavy rainstorms, leading to rising flood costs. Local officials, including those in Tompkins County, encouraged residents to engage in flood risk mitigation and preparation efforts.

Climate change doesn't care whether we believe in it or not, the destruction will still happen and the stupidity of not preparing is unconscionable. It's the old adage, "An ounce of prevention is worth a pound of cure". Climate threats are growing, and investing in resiliency saves lives. We should be scaling these efforts up—not cutting them.

Additional programs that have had significant cuts include:

- [Institute of Museums and Library Services](#)
- [USDA Cuts Funding for Local Food for Schools, Food Organizations/Banks](#)
- [Department of Justice Programming Cuts](#)
- [State Department will Lay Off 3,400 Employees by June](#)
- [Massive Funding Cuts to US Global Health/Vaccine Aid](#)
- [Environmental Protection Agency Blocks Funding for Research](#)

Contrary to what the Trump administration wants us to believe about these funding cuts, they will hurt our economy and our people and are a money grab by the Trump administration and DOGE so that Elon Musk can redirect funds into billion dollar contracts for Tesla, LightLink and SpaceX. It is important that we keep our eyes wide open and stay vigilant to the negative impacts these federal decisions are having on the economic and social wellbeing of New Yorkers. Fighting back starts with bringing the corruption into the light of day!

In good health,



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