



Friday, August 1, 2008

## Bill Summary - A01613

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

[See Bill Text](#)

### A01613 Summary:

BILL NO      A01613  
 SAME AS      No same as  
 SPONSOR      Scarborough  
 COSPNSR      O'Donnell, Robinson  
 MLTSPNSR    Clark, Glick, Kellner, Walker

Add Article 19-G Title 5 SS531-a - 531-i, Exec L

Enacts the "SAFETY Act"; authorizes the office of children and family services to establish policies and procedures affording all children in OCFS facilities an environment free of harassment and discrimination based on actual or perceived race, national origin, ethnic group, religion, disability, sexual orientation, gender or sex; requires reporting harassment and discrimination.

### A01613 Actions:

BILL NO      A01613

01/10/2007 referred to children and families  
 03/20/2007 reported referred to codes  
 06/12/2007 reported referred to rules  
 06/13/2007 reported  
 06/13/2007 rules report cal.186  
 06/13/2007 ordered to third reading rules cal.186  
 06/14/2007 passed assembly  
 06/14/2007 delivered to senate  
 06/14/2007 REFERRED TO RULES  
 01/09/2008 DIED IN SENATE  
 01/09/2008 RETURNED TO ASSEMBLY  
 01/09/2008 ordered to third reading cal.161  
 02/06/2008 passed assembly  
 02/06/2008 delivered to senate  
 02/06/2008 REFERRED TO FINANCE

**A01613 Votes:**

BILL: A01613 DATE: 02/06/2008 MOTION:

YEA/NAY: 136/000

Abbate	ER	Cahill	Y	Errigo	Y	Hooper	Y	Magnare	Y	Pheffer	Y	Spano	Y
Alessi	Y	Calhoun	Y	Espail	Y	Hoyt	Y	Maisel	Y	Powell	ER	Stirpe	Y
Alfano	Y	Camara	Y	Farrell	Y	Hyer-Sp	Y	Markey	Y	Pretlow	Y	Sweeney	Y
Amedore	Y	Canestr	Y	Fields	Y	Jacobs	Y	Mayerso	Y	Quinn	Y	Tedisco	Y
Arroyo	Y	Carrozz	ER	Finch	ER	Jaffee	Y	McDonal	Y	Rabbitt	Y	Thiele	Y
Auberti	Y	Christe	Y	Fitzpat	Y	Jeffrie	Y	McDonou	Y	Raia	Y	Titone	Y
Aubry	Y	Clark	Y	Gabrysz	Y	John	Y	McEney	Y	Ramos	Y	Titus	Y
Bacalle	Y	Cole	Y	Galef	Y	Kavanag	Y	McKevit	Y	Reilich	Y	Tobacco	Y
Ball	Y	Colton	Y	Gantt	ER	Kellner	Y	Miller	Y	Reilly	Y	Towns	Y
Barclay	Y	Conte	Y	Gianari	Y	Kirwan	ER	Millman	Y	Rive J	Y	Townsen	Y
Barra	Y	Cook	Y	Giglio	Y	Kolb	Y	Molinar	Y	Rive N	Y	Walker	Y
Benedet	Y	Crouch	Y	Glick	Y	Koon	Y	Morelle	ER	Rive PM	Y	Weinste	Y
Benjami	ER	Cusick	Y	Gord D	Y	Lafayet	Y	Nolan	Y	Robinso	ER	Weisenb	Y
Bing	Y	Cymbrow	ER	Gord TP	Y	Lancman	Y	Oaks	Y	Rosenth	Y	Weprin	Y
Boyland	Y	DelMont	Y	Gottfri	Y	Latimer	Y	O`Donne	ER	Saladin	Y	Wright	Y
Boyle	Y	Destito	Y	Greene	Y	Lavine	Y	O`Mara	Y	Sayward	Y	Young	Y
Bradley	Y	Diaz LM	ER	Gunther	Y	Lentol	Y	Ortiz	Y	Scarbor	Y	Zebrows	Y
Brennan	Y	Diaz R	Y	Hawley	Y	Lifton	Y	Parment	Y	Schimel	Y	Mr Spkr	Y
Brodsky	Y	Dinowit	Y	Hayes	Y	Lope PD	Y	Paulin	Y	Schimmi	ER		
Brook-K	Y	Duprey	Y	Heastie	Y	Lope VJ	ER	Peoples	Y	Schroed	Y		
Burling	Y	Eddingt	Y	Hevesi	Y	Lupardo	Y	Peralta	Y	Scozzaf	Y		
Butler	Y	Englebr	Y	Hikind	Y	Magee	Y	Perry	Y	Seminer	Y		

**A01613 Memo:**

BILL NUMBER: A1613

TITLE OF BILL : An act to amend the executive law, in relation to enacting the "SAFETY act"

PURPOSE OR GENERAL IDEA OF BILL : This bill would afford all persons placed within Office of Children and Family Services (OCFS) juvenile facilities and programs an environment free of harassment and discrimination based on race, color, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

SUMMARY OF SPECIFIC PROVISIONS : Section one would cite the act to be known as the "SAFETY act."

Section two would:

- \* put forth the legislative intent;
- \* define a list of terms related to anti-discrimination within OCFS facilities;
- \* prohibit discrimination and harassment against youth by employees in a facility;
- \* direct OCFS to create policies and guidelines to be used in facility

training curricula to create an environment free from harassment and discrimination;

\* outline the responsibilities of the Commissioner to develop model anti-discrimination policies and to create a procedure for reporting incidents of discrimination and harassment; and,

\* provide for the protection of people who report discrimination or harassment.

Section three would provide for an effective date 120 days following enactment.

EFFECTS OF PRESENT LAW WHICH THIS BILL WOULD ALTER : New title in the Executive Law.

JUSTIFICATION : It has been reported that harassment and discrimination based on race, ethnicity, religion, sexual orientation or other factors have been widespread within OCFS facilities. Without a comprehensive anti-discrimination policy in these facilities, young people who have been the victims of such discrimination have little recourse. A strong anti-discrimination policy will send a clear message that this behavior will not be tolerated. Absent a relevant, system-wide policy, there are wide discrepancies among and within facilities as to how youth are treated. Many issues, such as how to respond when a resident or employee harasses a youth within the facility, are left entirely up to individual staff members. Promoting a fair and consistent system-wide policy is essential to the ability to meet the needs of young people and to protect them from verbal and physical abuse while they are in the State's care.

All youth need and deserve a safe environment in OCFS facilities in order to concentrate on their academic achievement, personal growth and rehabilitation. They should never be subjected to the threat or actual occurrence of harassment or discrimination, be it verbal or physical. The "SAFETY act" promotes civility among youth and staff, and would also promote an environment free of all forms of discrimination. Furthermore, the Act provides a response to the growing numbers of incidents of harassed and stigmatized youth staying

within OCFS facilities. As one transgendered youth described her experience, "Most people in here treat me like I am not human."

By prohibiting all forms of harassment and discrimination, and requiring OCFS to establish formal policies and guidelines to address incidents of discrimination and promote an environment that fosters safety and acceptance of diversity within OCFS facilities, the "SAFETY act" takes a major step forward to create an atmosphere to foster education, personal growth and rehabilitation.

PRIOR LEGISLATIVE HISTORY : 2005: A6502 (Green) Assembly

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS : Minimal.

EFFECTIVE DATE : 120 days following enactment.

Contact Webmaster  
Page display time = 0.0044 sec