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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

April 29, 2013

3:19 p.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT GRIFFO: The  
3 Senate will come to order.

4 I ask all present to please rise  
5 and join with me as we recite the Pledge of  
6 Allegiance to our Flag.

7 (Whereupon, the assemblage recited  
8 the Pledge of Allegiance to the Flag.)

9 ACTING PRESIDENT GRIFFO: Today's  
10 invocation will be offered by the Reverend  
11 Dr. Richard Hasselbach, pastor of the Clarkstown  
12 Reformed Church in West Nyack.

13 Pastor?

14 PASTOR HASSELBACH: Thank you very  
15 much.

16 And a word of thanks to all of you  
17 for your welcome to me today, and especially to  
18 Senator Carlucci, who extended this invitation  
19 and tremendous warmth.

20 So let's pray.

21 Creator God, we praise You for Your  
22 presence and Your action in our world. You are  
23 the One who gives us the unalienable rights to  
24 live in security, to act with freedom, to pursue  
25 our happiness, and to be secure in our

1 property. We do not have these rights from any  
2 sovereign power other than You. They are the  
3 gifts of Your creative love.

4           Whenever these rights are assailed,  
5 You are assailed. Whenever these rights are  
6 compromised, Your will is thwarted. And  
7 whenever these rights are denied, You weep for  
8 Your people.

9           Bless the members of this body.  
10 Give them the courage to do what is right and  
11 the wisdom to know what is best for this state  
12 and for all of its people.

13           Let them resist all temptation to  
14 do the easy, popular thing rather than the  
15 difficult and just thing.

16           Help them to have servant hearts  
17 and to know that the office entrusted to them  
18 must be exercised with humility and integrity.

19           Keep this great deliberative body  
20 honest. Let each member transcend the  
21 narrowness of party ideology and self-interest.  
22 Let them listen in this chamber as well as  
23 speak. And as they listen, may it be with open  
24 minds and open hearts.

25           Protect all who work here. Keep

1    them safe in mind and body and free from all  
2    harm.  Bless the work of the people done here,  
3    and protect our Senators from all evil of  
4    whatever kind.  Make them men and women of  
5    integrity, and give them a passion for truth.

6                    We are Your hands and we are Your  
7    voice, Creator God, for we are Your people.  
8    Inspired by the giants upon whose shoulders we  
9    stand, give us the courage to be willing in the  
10   struggles of our day to risk all lest we lose  
11   what is more than all.

12                   We ask this in Your holy and  
13   unutterable name, You the God who creates and  
14   sustains us and who has brought us to this  
15   moment.  You are the One who lives forever.  And  
16   we can all say amen.

17                   Thank you.

18                   ACTING PRESIDENT GRIFFO:  Thank  
19   you, Pastor Hasselbach.

20                   The reading of the Journal.

21                   THE SECRETARY:  In Senate, Sunday,  
22   April 28th, the Senate met pursuant to  
23   adjournment.  The Journal of Friday, April 26th,  
24   was read and approved.  On motion, Senate  
25   adjourned.

1           ACTING PRESIDENT GRIFFO:   Without  
2   objection, the Journal stands approved as read.

3           Presentation of petitions.

4           Messages from the Assembly.

5           Messages from the Governor.

6           Reports of standing committees.

7           Reports of select committees.

8           Communications and reports from  
9   state officers.

10          Motions and resolutions.

11          Senator Fuschillo.

12          SENATOR FUSCHILLO:   Mr. President,  
13   on behalf of Senator Maziarz, on page number 23 I  
14   offer the following amendments to Calendar Number  
15   347, Senate Print Number 4004, and ask that said  
16   bill retain its place on Third Reading Calendar.

17          ACTING PRESIDENT GRIFFO:   The  
18   amendments are received, and the bill shall  
19   retain its place on third reading.

20          Senator Fuschillo.

21          SENATOR FUSCHILLO:   Will you please  
22   recognize Senator Valesky.

23          ACTING PRESIDENT GRIFFO:   Senator  
24   Valesky.

25          SENATOR VALESKY:   Thank you,

1 Senator Fuschillo.

2 Mr. President, on behalf of  
3 Senator Klein, on page 13 I offer the following  
4 amendments to Calendar Number 155, Senate Print  
5 Number 2321, and ask that said bill retain its  
6 place on the Third Reading Calendar.

7 ACTING PRESIDENT GRIFFO: The  
8 amendments are received, and the bill shall  
9 retain its place on third reading.

10 Senator Fuschillo.

11 SENATOR FUSCHILLO: Mr. President,  
12 there is a previously adopted resolution by  
13 Senator Marchione, Number 1324, at the desk. I  
14 ask that it be read in its entirety and then  
15 please recognize Senator Marchione.

16 ACTING PRESIDENT GRIFFO: Thank  
17 you, Senator Fuschillo.

18 The Secretary will read.

19 THE SECRETARY: Legislative  
20 Resolution Number 1324, by Senator Marchione,  
21 honoring Rachael Murray upon the occasion of  
22 being selected as the Upstate New York Chapter of  
23 the Leukemia and Lymphoma Society's 2013 Girl of  
24 the Year.

25 "WHEREAS, It is the sense of this

1 Legislative Body to recognize and pay tribute to  
2 those outstanding individuals whose personal  
3 triumphs and extraordinary spirit and  
4 determination are an inspiration to others; and

5           "WHEREAS, Attendant to such concern,  
6 and in full accord with its long-standing  
7 traditions, this Legislative Body is justly proud  
8 to honor Rachael Murray upon the occasion of  
9 being selected as the Upstate New York Chapter of  
10 the Leukemia and Lymphoma Society's 2013 Girl of  
11 the Year; and

12           "WHEREAS, The individual selected as  
13 the Girl of the Year is chosen by the Leukemia  
14 and Lymphoma Society for her strength and courage  
15 while battling lymphoma; she serves as an example  
16 for thousands of children across the United  
17 States who are winning the war against blood  
18 cancer; and

19           "WHEREAS, Rachael Murray is a  
20 vibrant, enthusiastic, fun-loving senior at  
21 Tamarac High School. She enjoys diving,  
22 snowboarding, hanging out with friends,  
23 shopping, music -- especially The Dave Matthews  
24 Band -- and driving her Honda CR-V; and

25           "WHEREAS, In August of 2012,

1 Rachael Murray was diagnosed with Stage 2A+  
2 Hodgkin's Lymphoma. Throughout the many tests,  
3 treatments and procedures, this extraordinary  
4 young woman's courage, positive attitude and  
5 bravery never wavered; and

6 "WHEREAS, Rachael Murray faced  
7 cancer head on and did not let it define her.  
8 Each day, she is gaining more and more energy and  
9 stamina, and has been able to return to school,  
10 diving and snowboarding; and

11 "WHEREAS, Rachael Murray, in her  
12 role as the 2013 Girl of the Year, serves as an  
13 inspiration for local Leukemia and Lymphoma  
14 Society Man and Woman of the Year candidates to  
15 raise awareness and monetary contributions with  
16 the hope to find a cure for all blood cancers;  
17 and

18 "WHEREAS, Because of her strength  
19 and the sacrifices of her family, the Leukemia  
20 and Lymphoma Society is one step closer to  
21 achieving its goal to find a cure for blood  
22 cancer so that children like Rachael Murray do  
23 not suffer the injustice of blood cancer in years  
24 to come; and

25 "WHEREAS, It is the custom of this

1 Legislative Body that when individuals of such  
2 enduring courage and bravery are brought to our  
3 attention, they should be celebrated and  
4 recognized by all the citizens of this great  
5 Empire State; now, therefore, be it

6 "RESOLVED, That this Legislative  
7 Body pause in its deliberations to honor  
8 Rachael Murray upon the occasion of being  
9 selected as the Upstate New York Chapter of the  
10 Leukemia and Lymphoma Society's 2013 Girl of the  
11 year; and be it further

12 "RESOLVED, That a copy of this  
13 resolution, suitably engrossed, be transmitted to  
14 Rachael Murray."

15 ACTING PRESIDENT GRIFFO: Senator  
16 Marchione.

17 SENATOR MARCHIONE: Mr. President,  
18 my colleagues, I rise to offer my comments on the  
19 legislative resolution before us.

20 The legislative resolution pays  
21 tribute to Rachael Murray, a senior at Tamarac  
22 High School. Ms. Murray has the honor of having  
23 been selected as the Upstate New York Chapter of  
24 the Leukemia and Lymphoma Society's 2013 Girl of  
25 the Year.

1                   We often hear so much about courage,  
2                   inspiration, perseverance. Today we honor  
3                   someone whose life truly embodies those words;  
4                   today we honor Rachael Murray.

5                   It was almost one year ago that  
6                   Ms. Murray was diagnosed with Stage 2A+ Hodgkin's  
7                   Lymphoma. Despite that, Ms. Murray has always  
8                   maintained her upbeat, positive attitude, and in  
9                   so doing showed us all the true meaning of  
10                  character as she's passing one of life's toughest  
11                  tests.

12                  Ms. Murray continues to be active,  
13                  enjoying many activities, including diving,  
14                  snowboarding, and being with friends. As the  
15                  2013 Girl of the Year, Rachael Murray is an  
16                  inspiration, a positive role model giving hope,  
17                  providing encouragement, and working toward a  
18                  cure for blood cancer.

19                  Mr. President and my colleagues,  
20                  please join me in extending our very warmest  
21                  Senate welcome to an extraordinary young woman we  
22                  honor with this legislative resolution today:  
23                  Rachael Murray.

24                  Welcome.

25                  (Standing ovation.)

1                   SENATOR MARCHIONE:    Mr. President,  
2    I would just also like to introduce her parents,  
3    Bill and Michele Murray, and her brother Ryan.

4                   Welcome to all of you.  Thank you  
5    for being here.

6                   ACTING PRESIDENT GRIFFO:    We  
7    welcome all of you and extend the courtesies of  
8    the house and extend our special recognition and  
9    our admiration for your courage, Rachael.  God  
10   bless you, and welcome to the Senate.

11                  Senator Fuschillo.

12                  SENATOR FUSCHILLO:    Mr. President,  
13    there was a previously adopted resolution by  
14    Senator Breslin, Number 1327, at the desk.  I ask  
15    that it be read in its entirety and then please  
16    recognize Senator Breslin.

17                  ACTING PRESIDENT GRIFFO:    The  
18    Secretary will read.

19                  THE SECRETARY:    Legislative  
20    Resolution Number 1327, by Senator Breslin,  
21    honoring Dylan Conboy upon the occasion of being  
22    selected as the Upstate New York Chapter of the  
23    Leukemia and Lymphoma Society's 2013 Boy of the  
24    Year.

25                  "WHEREAS, It is the sense of this

1 Legislative Body to recognize and pay tribute to  
2 those outstanding individuals whose personal  
3 triumphs and extraordinary spirit and  
4 determination are an inspiration to others; and

5 "WHEREAS, Attendant to such concern,  
6 and in full accord with its long-standing  
7 traditions, this Legislative Body is justly proud  
8 to honor Dylan Conboy upon the occasion of being  
9 selected as the Upstate New York Chapter of the  
10 Leukemia and Lymphoma Society's 2013 Boy of the  
11 Year; and

12 "WHEREAS, The individual selected as  
13 the Boy of the Year is chosen by the Leukemia and  
14 Lymphoma Society for his strength and courage  
15 while battling leukemia. He serves as an example  
16 for thousands of children across the  
17 United States who are winning the war against  
18 blood cancer; and

19 "WHEREAS, One day before his third  
20 birthday, Dylan Conboy was diagnosed with  
21 leukemia. Today, this extraordinary young boy  
22 is approximately two years into a three-year  
23 course of treatment; and

24 "WHEREAS, Strong, happy and  
25 courageous, Dylan Conboy takes an active role in

1 his treatment. He regularly 'helps' his nurse  
2 with her work; and

3 "WHEREAS, Dylan Conboy, in his role  
4 as the 2013 Boy of the Year, serves as an  
5 inspiration for local Leukemia and Lymphoma  
6 Society Man and Woman of the Year candidates to  
7 raise awareness and monetary contributions with  
8 the hope to find a cure for all blood cancers;  
9 and

10 "WHEREAS, Because of his strength  
11 and the sacrifices of his family, the Leukemia  
12 and Lymphoma Society is one step closer to  
13 achieving its goal to find a cure for blood  
14 cancer so that children like Dylan Conboy do not  
15 suffer the injustice of blood cancer in years to  
16 come; and

17 "WHEREAS, It is the custom of this  
18 Legislative Body that when individuals of such  
19 enduring courage and bravery are brought to our  
20 attention, they should be celebrated and  
21 recognized by all the citizens of this great  
22 Empire State; now, therefore, be it

23 "RESOLVED, That this Legislative  
24 Body pause in its deliberations to honor  
25 Dylan Conboy upon the occasion of being selected

1 as the Upstate New York Chapter of the Leukemia  
2 and Lymphoma Society's 2013 Boy of the Year; and  
3 be it further

4 "RESOLVED, That a copy of this  
5 resolution, suitably engrossed, be transmitted to  
6 Dylan Conboy."

7 ACTING PRESIDENT GRIFFO: Senator  
8 Breslin.

9 SENATOR BRESLIN: Thank you,  
10 Mr. President.

11 First of all, may I commend  
12 Senator Marchione and the Girl of the Year who  
13 was selected, Rachael Murray, and now to the Boy  
14 of the Year, who lives in my district.

15 Two years ago, Jacinda Conboy  
16 brought her boy in for a visit to the doctor  
17 because he had an ear infection -- she thought he  
18 had an ear infection. The doctor was a little  
19 rushed in terms of the seriousness and indicated  
20 that Ms. Conboy should immediately take her son  
21 to the hospital. It alarmed her when she got to  
22 the hospital; people were waiting for them. And  
23 they were rushed into a room where treatment was  
24 begun virtually immediately.

25 That started the long two years of

1 treatment, worry, concern. And doctors around  
2 him, treatments on an ongoing basis.

3 But the success of the treatments,  
4 the attitude of Dylan, who assists the nurses in  
5 the treatment, helps out -- and I had the chance  
6 to be with Dylan for a little while. Always  
7 smiling, as he's smiling over here in the corner  
8 right now, and we can hear him, with his  
9 brother.

10 And he set a terrific example. The  
11 treatment he's receiving is a three-year  
12 treatment. He's through two years. And he's  
13 through two years successfully, with that smile.  
14 He's been a blessing to his parents, parents who  
15 have been very active in this our Albany  
16 community.

17 And, you know, we take things for  
18 granted. And sometimes things don't go the way  
19 we want. But it's what we do with them when they  
20 are before us. And the Conboy family has  
21 rallied, and I'm sure they would say probably  
22 much closer because of the crisis than before.

23 But they're on the precipice of  
24 victory. And I think the Upstate Chapter of the  
25 Leukemia and Lymphoma Society has made a

1 wonderful choice in naming Dylan Conboy as its  
2 Boy of the Year.

3           And Dylan is over there with his  
4 brother, Brady, and his parents, Jacinda and  
5 Jim. And I think that this chamber applauds not  
6 only Rachael Murray, the Girl of the Year, but  
7 our own Dylan Conboy.

8           Thank you, Mr. President.

9           ACTING PRESIDENT GRIFFO: Thank  
10 you, Senator Breslin.

11           (Standing ovation.)

12           ACTING PRESIDENT GRIFFO: We  
13 welcome to the Conboy family to the chamber,  
14 extend the courtesies of the house, and send a  
15 special greeting to Dylan, a brave young man.  
16 Good luck, and God bless you

17           Senator Fuschillo.

18           SENATOR FUSCHILLO: Mr. President,  
19 will you open up the two previously adopted  
20 resolutions for cosponsorship.

21           ACTING PRESIDENT GRIFFO: Both  
22 resolutions which were previously adopted are  
23 open for cosponsorship. If you choose not to be  
24 a sponsor, please notify the desk.

25           Senator Fuschillo.

1                   SENATOR FUSCHILLO:    May we please  
2 have the reading of the noncontroversial  
3 calendar.

4                   ACTING PRESIDENT GRIFFO:    The  
5 Secretary will read.

6                   THE SECRETARY:    Calendar Number  
7 174, by Senator Carlucci, Senate Print 3802, an  
8 act to amend the Mental Hygiene Law.

9                   ACTING PRESIDENT GRIFFO:    Read the  
10 last section.

11                   THE SECRETARY:    Section 2. This  
12 act shall take effect immediately.

13                   ACTING PRESIDENT GRIFFO:    Call the  
14 roll.

15                   (The Secretary called the roll.)

16                   THE SECRETARY:    Ayes, 59.

17                   ACTING PRESIDENT GRIFFO:    The bill  
18 is passed.

19                   THE SECRETARY:    Calendar Number  
20 217, by Senator Zeldin, Senate Print 4000, an act  
21 to amend the General Business Law.

22                   ACTING PRESIDENT GRIFFO:    Read the  
23 last section.

24                   THE SECRETARY:    Section 4. This  
25 act shall take effect one year after it shall

1 have become law.

2 ACTING PRESIDENT GRIFFO: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 58. Nays,  
6 1. Senator Montgomery recorded in the negative.

7 ACTING PRESIDENT GRIFFO: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 260, by Senator Hannon, Senate Print 2940, an act  
11 to amend the Penal Law.

12 ACTING PRESIDENT GRIFFO: Read the  
13 last section.

14 THE SECRETARY: Section 4. This  
15 act shall take effect on the first of November.

16 ACTING PRESIDENT GRIFFO: Call the  
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 58. Nays,  
20 1. Senator Montgomery recorded in the negative.

21 ACTING PRESIDENT GRIFFO: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 281, by Senator Savino, Senate Print 4471, an act  
25 to amend the Workers' Compensation Law.

1                   ACTING PRESIDENT GRIFFO:    Read the  
2 last section.

3                   THE SECRETARY:    Section 2.  This  
4 act shall take effect immediately.

5                   ACTING PRESIDENT GRIFFO:    Call the  
6 roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:    Ayes, 58.  Nays,  
9 1.  Senator Gallivan recorded in the negative.

10                   ACTING PRESIDENT GRIFFO:    The bill  
11 is passed.

12                   THE SECRETARY:    Calendar Number  
13 321, by Senator LaValle, Senate Print 2405, an  
14 act to amend the Education Law.

15                   ACTING PRESIDENT GRIFFO:    Read the  
16 last section.

17                   THE SECRETARY:    Section 2.  This  
18 act shall take effect immediately.

19                   ACTING PRESIDENT GRIFFO:    Call the  
20 roll.

21                   (The Secretary called the roll.)

22                   THE SECRETARY:    Ayes, 59.

23                   ACTING PRESIDENT GRIFFO:    The bill  
24 is passed.

25                   THE SECRETARY:    Calendar Number

1 335, by Senator Bonacic, Senate Print 1888, an  
2 act to amend the Vehicle and Traffic Law.

3 ACTING PRESIDENT GRIFFO: Read the  
4 last section.

5 THE SECRETARY: Section 3. This  
6 act shall take effect immediately.

7 ACTING PRESIDENT GRIFFO: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 59.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 343, by Senator Fuschillo, Senate Print 4246, an  
15 act to amend subdivision 19 of Section 246 of  
16 Chapter 81 of the Laws of 1995.

17 ACTING PRESIDENT GRIFFO: Read the  
18 last section.

19 THE SECRETARY: Section 2. This  
20 act shall take effect immediately.

21 ACTING PRESIDENT GRIFFO: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 59.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 354, by Senator Seward, Senate Print 2891, an act  
4 to amend the Insurance Law.

5 ACTING PRESIDENT GRIFFO: Read the  
6 last section.

7 THE SECRETARY: Section 2. This  
8 act shall take effect on the 90th day.

9 ACTING PRESIDENT GRIFFO: Call the  
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 59.

13 ACTING PRESIDENT GRIFFO: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 355, by Senator Seward, Senate Print 2894, an act  
17 to amend the Insurance Law.

18 ACTING PRESIDENT GRIFFO: Read the  
19 last section.

20 THE SECRETARY: Section 3. This  
21 act shall take effect immediately.

22 ACTING PRESIDENT GRIFFO: Call the  
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 59.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2 is passed.

3                   THE SECRETARY:     Calendar Number  
4 365, by Senator Zeldin, Senate Print 1685, an act  
5 to amend the Election Law.

6                   ACTING PRESIDENT GRIFFO:    Read the  
7 last section.

8                   THE SECRETARY:     Section 3.  This  
9 act shall take effect on the 120th day.

10                  ACTING PRESIDENT GRIFFO:   Call the  
11 roll.

12                                   (The Secretary called the roll.)

13                  THE SECRETARY:     Ayes, 59.

14                  ACTING PRESIDENT GRIFFO:   The bill  
15 is passed.

16                  THE SECRETARY:     Calendar Number  
17 377, by Senator Hannon, Senate Print 2941, an act  
18 to amend the Penal Law.

19                  ACTING PRESIDENT GRIFFO:   Read the  
20 last section.

21                  THE SECRETARY:     Section 2.  This  
22 act shall take effect on the first of November.

23                  ACTING PRESIDENT GRIFFO:   Call the  
24 roll.

25                                   (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 59.

2 ACTING PRESIDENT GRIFFO: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 378, by Senator Nozzolio, Senate Print 4486, an  
6 act to amend the Civil Practice Law and Rules.

7 ACTING PRESIDENT GRIFFO: Read the  
8 last section.

9 THE SECRETARY: Section 2. This  
10 act shall take effect immediately.

11 ACTING PRESIDENT GRIFFO: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 59.

15 ACTING PRESIDENT GRIFFO: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 379, by Senator Fuschillo, Senate Print 741, an  
19 act to amend the Penal Law.

20 ACTING PRESIDENT GRIFFO: Read the  
21 last section.

22 THE SECRETARY: Section 3. This  
23 act shall take effect on the first of November.

24 ACTING PRESIDENT GRIFFO: Call the  
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 57. Nays,  
3 2. Senators Montgomery and Parker recorded in  
4 the negative.

5 ACTING PRESIDENT GRIFFO: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 391, by Senator Young, Senate Print 3710C, an act  
9 to amend the Penal Law.

10 ACTING PRESIDENT GRIFFO: Read the  
11 last section.

12 THE SECRETARY: Section 50. This  
13 act shall take effect on the 90th day.

14 ACTING PRESIDENT GRIFFO: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT GRIFFO: Senator  
18 Young to explain her vote.

19 SENATOR YOUNG: Thank you,  
20 Mr. President. To explain my vote.

21 I appreciate the support of all my  
22 colleagues. And ever since I was elected to  
23 state office in 1999, I've devoted a lot of my  
24 public service to helping victims. And that's  
25 what this bill does. This is a women's issue,

1 and not only that, it protects women and  
2 children.

3 In 1999, Penny Brown of Salamanca  
4 was brutally raped and murdered in my district.  
5 And as a result, we were able to eventually pass  
6 Penny's Law.

7 The current piece of legislation  
8 before us actually makes some significant changes  
9 to sexual assault laws in New York State. It's  
10 heavily supported by the New York State  
11 Association of District Attorneys, the Downstate  
12 Coalition for Crime Victims.

13 And it's based on the terrible case  
14 of Lydia Cuomo, who was brutally sexually  
15 assaulted in 2011 in Senator Espaillat's  
16 district. He's asked me to cosponsor the bill; I  
17 gladly have him on board. And I want to thank  
18 you, Senator, for that.

19 Lydia Cuomo has put forward a push  
20 to rename several of the sexual assault acts so  
21 that they reflect the word "rape" in them. This  
22 is what this bill does.

23 And not only that, it also  
24 strengthens the rape laws in New York State. The  
25 previous standard has been for vaginal rape to be

1 penetration. This actually loosens the  
2 definition to include contact. That would have  
3 been very significant in Lydia Cuomo's case, but  
4 also it's very significant for all of the rape  
5 cases in New York State, because it will make it  
6 easier to obtain a conviction.

7           And prosecutors have told me that  
8 this standard especially is helpful in  
9 prosecuting child rapists, because the whole  
10 notion of penetration is very difficult for  
11 children to understand, but they understand touch  
12 and they understand contact.

13           So you are helping so many children  
14 and women across the state. There recently was a  
15 survey, in 2011; it's estimated that 2 million  
16 women have been raped in New York State. Think  
17 about that. That is very, very disturbing.

18           So this bill tackles those very,  
19 very serious issues. Again, I want to thank all  
20 of my colleagues. I vote yes, and I urge  
21 everyone to vote yes also.

22           Thank you, Mr. President.

23           ACTING PRESIDENT GRIFFO: Senator  
24 Young to be recorded in the affirmative.

25           Senator Espaillat to explain his

1 vote.

2                   SENATOR ESPAILLAT:    Thank you,  
3 Mr. President.

4                   I am happy to join Senator Young in  
5 this endeavor.  And this particular bill does  
6 codify a form of rape that is rampant and  
7 pervasive and has not been codified in this form  
8 before in the State of New York.

9                   And it is supported by many of our  
10 district attorneys, including New York County  
11 District Attorney Cy Vance and others.

12                   This is an excellent bill.  The  
13 victim, who likes not to be defined by this  
14 act -- and, you know, in a recent interview,  
15 Lydia Cuomo said that she will not allow this  
16 incident to define her life.  Well, more so, the  
17 efforts on her part to change the future is  
18 really what she would like to have define her  
19 life.

20                   And she was here several months ago,  
21 and we were happy to have her here.  She's very  
22 courageous.  She came forward.  The perpetrator  
23 was an off-duty police officer.  This was a  
24 heinous crime that happened just right across  
25 from my house.

1                   And so I am happy to join  
2 Senator Young in making sure that this bill  
3 becomes law.

4                   Thank you, Mr. President.

5                   ACTING PRESIDENT GRIFFO:    Senator  
6 Espaillat to be recorded in the affirmative.

7                   Senator Ruth Hassell-Thompson to  
8 explain her vote.

9                   SENATOR HASSELL-THOMPSON:    Thank  
10 you, Mr. President. I rise to lend my support to  
11 this bill as well.

12                   In the past, other versions of this  
13 bill have come forward, and I was very hesitant.  
14 And I know that people have asked why, as the  
15 person who has chaired the Task Force on Domestic  
16 Violence and has brought bills to this floor  
17 around rape and assault.

18                   But I think that one of the things  
19 that law must be is clear. And so that I think  
20 that in working on this bill more, you have  
21 brought clarity and a fuller explanation than  
22 perhaps we had before. And I thank you for your  
23 diligence in staying with it and bringing a bill  
24 to the floor that all of us can support.

25                   ACTING PRESIDENT GRIFFO:    Senator

1 Ruth Hassell-Thompson to be recorded in the  
2 affirmative.

3 Senator Nozzolio to explain his  
4 vote.

5 SENATOR NOZZOLIO: Thank you,  
6 Mr. President.

7 Mr. President, I rise in support of  
8 this legislation and urge my colleagues to  
9 support this effort.

10 Senator Young should be  
11 congratulated for taking the lead on ensuring  
12 that the victims of this heinous crime will be  
13 punished appropriately.

14 This measure clearly ensures that  
15 those who commit violence are going to be dealt  
16 with in a very serious manner, that the  
17 sentencing structure of this state will ensure  
18 the maximum penalties are provided to those who  
19 commit such heinous activity.

20 The District Attorneys Association,  
21 as well as a number of crime victims' rights  
22 groups, including the Downstate Coalition for  
23 Crime Victims, firmly this legislation, strongly  
24 encourage the Legislation to enact this measure,  
25 and in their advocacy to protect victims of

1 violence, ensure that those who perpetrate this  
2 type of violence will be sent to prison and will  
3 be kept in prison for a very long period of time.

4 Any efforts to dilute the  
5 consecutive sentencing approach that the district  
6 attorneys need to have as a utilization in  
7 prosecuting these cases, any dilution of that  
8 ability to prosecute, to ensure consecutive  
9 sentencing, will be a very sad but clear signal  
10 to crime victims that they will not get the  
11 protection of our laws.

12 On the other hand, Senator Young's  
13 bill does just the opposite: ensure that the  
14 protection of victims, the consideration of  
15 victims, the respect for our crime victims will  
16 be ensured and stabilized by the legislation that  
17 we are going to enact today.

18 Mr. President and my colleagues, I  
19 support the measure.

20 ACTING PRESIDENT GRIFFO: Senator  
21 Nozzolio to be recorded in the affirmative.

22 The Secretary will announce the  
23 results.

24 THE SECRETARY: Ayes, 57. Nays,  
25 2. Senators Montgomery and Parker recorded in

1 the negative.

2 ACTING PRESIDENT GRIFFO: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 396, by Senator Maziarz, Senate Print 1073, an  
6 act to amend the Correction Law.

7 ACTING PRESIDENT GRIFFO: Read the  
8 last section.

9 THE SECRETARY: Section 2. This  
10 act shall take effect immediately.

11 ACTING PRESIDENT GRIFFO: Call the  
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT GRIFFO: Announce  
15 the results.

16 THE SECRETARY: Ayes, 56. Nays,  
17 3. Senators Montgomery, Parker and Perkins  
18 recorded in the negative.

19 ACTING PRESIDENT GRIFFO: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 397, by Senator Skelos, Senate Print 1390, an act  
23 to amend the Correction Law.

24 ACTING PRESIDENT GRIFFO: Read the  
25 last section.

1 THE SECRETARY: Section 2. This  
2 act shall take effect on the 30th day.

3 ACTING PRESIDENT GRIFFO: Call the  
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: In relation to  
7 Calendar Number 397, those recorded in the  
8 negative are Senators Hassell-Thompson,  
9 Montgomery, Parker, Perkins and Rivera.

10 Ayes, 54. Nays, 5.

11 ACTING PRESIDENT GRIFFO: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 398, by Senator LaValle, Senate Print 1764, an  
15 act to amend the Correction Law.

16 ACTING PRESIDENT GRIFFO: Read the  
17 last section.

18 THE SECRETARY: Section 3. This  
19 act shall take effect on the first of July.

20 ACTING PRESIDENT GRIFFO: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 57. Nays,  
24 2. Senators Hassell-Thompson and Montgomery  
25 recorded in the negative.

1                   ACTING PRESIDENT GRIFFO:    The bill  
2   is passed.

3                   Senator Fuschillo, that completes  
4   the noncontroversial reading of the calendar.

5                   SENATOR FUSCHILLO:    Mr. President,  
6   is there any further business at the desk?

7                   ACTING PRESIDENT GRIFFO:    There is  
8   no further business before the desk,  
9   Senator Fuschillo.

10                  SENATOR FUSCHILLO:    There being no  
11   further business, I move that we adjourn until  
12   Tuesday, April 30th, at 3:00 p.m.

13                  ACTING PRESIDENT GRIFFO:    On  
14   motion, the Senate stands adjourned until  
15   Tuesday, April 30th, at 3:00 p.m.

16                  Senate adjourned.

17                  (Whereupon, at 3:50 p.m., the Senate  
18   adjourned.)

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