ALBANY, NEW YORK

March 18, 1998

11:01 a.m.

REGULAR SESSION

SENATOR JOHN R. KUHL, JR., Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT KUHL: The Senate will come to order. Ask the members to find their places, guests to find their places. I'd ask everybody in the chamber to rise with me and join me in saying the Pledge of Allegiance to the Flag.

(The assembage repeated the Pledge of Allegiance to the Flag.)

If you will all remain standing. We're very pleased to have with us the Reverend Fred Shilling of the Gilead Lutheran Church of Center Brunswick for the prayer.

REVEREND FRED SHILLING: May we come together in prayer according to our tradition.

Creator of each one of us, provider of all the resources that are good, and defender against all of that which is destructive: We thank You for the wisdom of the founders of this great country. They were aware that at times they could not trust each other so their egos got in the way and so they needed to trust God and they placed that

implant on the coin of the country. May we see today that implant in our deliberation so that at the end of the day we can look at each other and say, We have made a difference. Thank You for standing behind us, beside us, in front of us and above us to give meaning in all that we do. In the name of the One that is always with us, we pray. Amen.

ACTING PRESIDENT KUHL: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, March 17th. The Senate met pursuant to adjournment. The Journal of Monday, March 16th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT KUHL: Hearing no objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees. Secretary will read.

THE SECRETARY: Senator Cook, from the Committee on Education, reports:

Senate Print 6414, by Senator Rath, an act to amend the Education Law.

ACTING PRESIDENT KUHL: Bill is ordered directly to third reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator -- we have one substitution at the desk.

SENATOR SKELOS: Make the substitution.

ACTING PRESIDENT KUHL: Secretary will read the substitution.

THE SECRETARY: On page 20 Senator Rath moves to discharge from the Committee on Education Assembly Print 9294-A and substitute it for the identical Senate Bill 6347.

ACTING PRESIDENT KUHL: Substitution is ordered.

Senator Skelos, that brings us to the calendar.

SENATOR SKELOS: Mr. President, with the consent of the Minority, could we

have the title read on Calendar Number 391 for the purpose of Senator Farley voting.

ACTING PRESIDENT KUHL: Secretary will read the title to Calendar Number 391.

THE SECRETARY: Calendar Number 391, by Senator Saland, Senate Print 2379-A, an act to amend the Criminal Procedure Law.

SENATOR SKELOS: Is there a message of necessity at the desk?

ACTING PRESIDENT KUHL: There is.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT KUHL: Motion is to accept the message to of necessity on Calendar Number on Calendar Number 391. All those in favor say aye.

(Response of "Aye.")

Opposed nay.

(There was no response.)

Message is accepted.

Call the roll. Or excuse me, read the last section.

THE SECRETARY: Section 91.

This act shall take effect in 120 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

ACTING PRESIDENT KUHL: Senator Farley, how do you vote?

SENATOR FARLEY: Vote aye.

ACTING PRESIDENT KUHL: Senator Farley will be recorded in the affirmative. The roll call is withdrawn.

Senator Skelos, that brings us back to the calendar.

SENATOR SKELOS: Mr. President, if we could take up the non-controversial calendar.

ACTING PRESIDENT KUHL: Secretary will read the non-controversial reading of the calendar.

THE SECRETARY: Calendar Number 12, by Senator Nozzolio, Senate Print 2349-A, an act to amend the Real Property Tax Law, in relation to providing certain information.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 293, by Senator Present, Senate Print 4112-B, an act to enact the Private Activity Bond Allocation Act of 1998.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number

360, by Senator Johnson, Senate Print 501, an act to amend the Criminal Procedure Law, in relation to requiring certain persons.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 362, by Senator Saland, Senate Print 673, an act to amend the Criminal Procedure Law and the Family Court Act.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the

roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 363, by Senator Padavan, Senate Print 4047, an act to amend the Penal Law, in relation to disposal of allegedly stolen motor vehicles.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 365, by Senator Volker, Senate Print 4306, an act to amend the Penal Law, in relation to criminal possession.

ACTING PRESIDENT KUHL:

Secretary will read the last section.

THE SECRETARY: Section 7.

This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 366, by Senator Volker, Senate Print 4307, an act to amend the Penal Law and the Criminal Procedure Law.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 6.

This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 369, by Senator Volker, Senate Print 5218-A, an act to amend the Penal Law, in relation to criminal diversion.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 8. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 374, by Senator Larkin, Senate Print 461, an act to amend the Real Property Tax Law, in relation to school districts.

ACTING PRESIDENT KUHL: Secretary will read the last section.

THE SECRETARY: Section 2.

This act shall take effect on the first day of January.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 375, by Senator Present, Senate Print 528, an act to amend the General Municipal Law.

SENATOR PRESENT: Lay the bill aside for the day.

ACTING PRESIDENT KUHL: Lay the bill aside for the day.

THE SECRETARY: Calendar Number 378, by Senator Seward, Senate Print 3095, an act to amend the Town Law, in relation to qualifications.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call

the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 383, by Senator Stafford, Senate Print 5269-A, an act authorizing the town of Schroon to dissolve and discontinue the Schroon Lake Water District.

ACTING PRESIDENT KUHL: Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

THE SECRETARY: Ayes 37.

ACTING PRESIDENT KUHL: The bill is passed.

THE SECRETARY: Calendar Number 391, by Senator Saland, Senate Print 2379-A, an act to amend the Criminal Procedure Law,

the Executive Law, the Family Court Act and the Penal Law.

SENATOR PATERSON: Lay aside.

ACTING PRESIDENT KUHL: Lay the bill aside.

Senator Skelos, that completes the reading of the non-controversial calendar.

SENATOR SKELOS: If we could take up the controversial calendar now.

ACTING PRESIDENT KUHL: Secretary will read the controversial calendar beginning with Calendar 391, Senate 2379-A, by Senator Saland.

THE SECRETARY: Calendar Number 391, by Senator Saland, Senate Print 2379-A, an act to amend the Criminal Procedure Law, the Executive Law, the Family Court Act and the Penal Law.

ACTING PRESIDENT KUHL: Senator Paterson, did you ask for an explanation?

(There was no audible response.)

ACTING PRESIDENT KUHL: Senator Saland, an explanation of Calendar Number 391

has been requested by Senator Paterson.

SENATOR SALAND: Thank you, Mr. President.

Mr. President, this is the Juvenile Justice Accountability and Procedural Reform Act of 1998. It mirrors a similar Governor's program bill that this house passed last year. It's an effort to deal in a comprehensive fashion with the ever troublesome and certainly extraordinarily difficult issue of juvenile crime; but what this bill endeavors to do is to create an approach by which we deal with violent youths in a fashion which, far too frequently, appears to be a situation in which gratuitous and violent crime well beyond the national statistics, seems to be occurring here in the state of New York, and what we endeavor to do is to deal with violent crime. We endeavor to impose steeper sentences not merely in the case of juvenile offenders in our criminal courts, but also juvenile delinquents by way of increased penalties to designated felonies in our Family Courts, but at the same time we look to a host of other avenues with which to

deal with alternatives. We create an alternatives commission, the purpose of which is to try and find the optimum and the best of alternative programs by which to divert young people into, hopefully, lives that will not take them down the path of crime but lives of opportunity.

We look to such new creations as the dispositional services plan, to have greater court involvement in assuring that these young people will not merely have services but that there will be court follow up because I believe most people are aware or certainly should be aware of the fact that what occurs today in a system that basically goes back some 30 or 40 years, there were some amendments back I believe in early -- the early 1980s, but it's basically a system that was conceived to deal with a different type of a juvenile, a juvenile that wasn't given to gun possession, that wasn't given to violent crime, a juvenile that wasn't involved heavily in the use of or trafficking in drugs. We're talking about a system that was conceived to deal with juveniles that dealt with things

such as car theft, joy rides, perhaps petit larceny, nothing of the enormous magnitude that we're experiencing today, and certainly if you were to take a look at the statistics and go back some ten years you would see extraordinary increases in the level of juvenile crime, and while certainly it must be acknowledged that in the course of the past couple of years we've seen some diminution in those numbers, what this bill is about is really not about those who don't commit crime but how we should treat those who choose to commit crime, and we do a number of things here, and let me just give you a brief selection of some of the more significant or salient futures of this bill.

I alluded earlier to the fact that we provide for increased sentences for juvenile offenders who commit violent crime. Very similarly in a parallel fashion, the same thing occurs in the Family Court for violent juvenile delinquents who commit designated felony offenses. We take the construct of the Youthful Offender Law, which I think we all recognize was intended to ensure that a young

person who commits an act, perhaps some misconduct that might even be out of character or first instance in which he or she is engaged in misconduct, criminal misconduct, and that youthful offender says that through your 17th year we're going to give you the ability, in effect, not to be tarnished by that act that you committed, we're going to give you youthful offender status.

What this bill says is, we're still going to give you youthful offender status. However, if you haven't learned your lesson, if in fact you persist in committing these types of crimes and if you commit a violent felony, what we're going to do is we are going -- if you commit that crime within five years of your receiving a youthful offender adjudication, we're going to permit the court to go back and look at that preceding youthful offender adjudication and if, in fact, the underlying crime was a felony you will now find yourself in a predicate felony situation, which I certainly think would be appropriate and warranted.

We're doing things

procedurally. What we're doing, among other things, is we're enabling the Family Court to be one of the courts that has the ability to issue search warrants. We're doing -- what we're doing also is we're dealing with the issue of the speedy trial problem where a young person effectively absconds, disappears, doesn't appear in court and the presentment agency finds itself in a situation in which if they can not show due diligence, that time runs and they are effectively barred. What we're saying is the speedy -- that speedy trial clock is going to be tolled while that young person chooses to absent themselves from the jurisdiction of the court or the proceeding that the court has before it.

We give victims the opportunity to have their day in court, so the court can hear them in the course of making its disposition or issuing its decision and order. Very importantly, the bill talks time and again about juvenile accountability and parental support therefor, and what we do is involve parents. We want parents to be involved in this process. We want parents to

have the opportunity to deal with the court, with the agencies that are involved with the disposition of the case, to try and assist their children in getting back on the right track.

The bill also, as has already occurred with Judge Kaye's directive, opens the Family Court. This would statutorily accomplish the same thing. Increased records -- increased access to juvenile records. If, for instance, a young person were to apply for a job as a police officer, if a young person was to apply for a gun license, this bill says that you would have the ability to access juvenile records that would have otherwise been sealed, to determine what that person's background is, and in fact they are appropriate candidates either for a police-related job or the ability to carry a gun.

I mentioned in my earlier comments we create an alternatives commission, a seven-member commission with representatives from both houses and from the Governor, the purpose of which is to maximize the kinds of

alternative placements that we can resort to, and similarly there's provision in this bill for the use of something which we have really attempted to enact into law since 1995, a dispositional services plan which will enable much more of a hands-on approach, much greater control, and also provides for the requirement of after-care planning by the Office of Children and Family Services.

So this bill really represents the -- the continuing effort of the Senate Majority working closely with the Governor to deal with comprehensive juvenile justice reform. This is something that we initiated by the introduction of legislation back in 1995. This house in 1996 passed a comprehensive juvenile justice reform bill. In 1997, we passed after working out an agreement with the Governor, his Governor's program bill which is now back in front of us here in this session, the 1998 session.

Certainly we welcome however belatedly, the involvement of the Assembly. We know that this year, after considerable talk about doing something about juvenile

justice, they have in fact passed a measure and we look forward to the opportunity to find where we have a common interest and trying to work towards closure of this issue during this 1998 session.

A critical issue, an issue of great importance to all of us in all of our communities, and I would be very remiss if I did not mention, as I referred in my earlier comments, to the fact that the numbers certainly are staggering when compared to the numbers of some ten years ago. The numbers of crimes that are committed in New York State by juveniles, violent crimes, are probably approximately double the national average. The numbers of homicides greatly exceed, by as much as 40 percent, the national average, and while, as I mentioned, there has been some diminution in the course of the past couple of years, I think we have to all be mindful of what we're being told by demographers and those who have looked closely at this issue. There is going to be a significant bulge, growth, perhaps as high as 25 percent, in the teen-age group, 14 to 17 years of age, when we

get a little bit beyond the turn of this new oncoming century.

We all know that crime is disproportionately high among teenagers and those in their early 20s, so while we can take some comfort in some reduction, the reality is that we must be very mindful of the fact that there is not only the potential but the enormous potential for yet another serious spike in juvenile crime just awaiting around the corner for us as we approach the 21st Century.

I would like to thank so many people who have been kind enough to give me their assistance in putting this bill together. Certainly the Governor is entitled to an extraordinary amount of credit for his bringing this issue to the forefront, working closely with us in our efforts to try and bring closure and, as I said a moment ago, the Assembly's interest has at long last, has at long last manifested itself in the form of a bill and hopefully this will really get us to the process where we can iron out our differences and after what has been a

three-year quest for me as the chairman of the Children and Families Committee, resolve this issue during this session.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President, and thank you, Senator Saland for a rather informative explanation of the juvenile justice program that you are proposing, and, Mr. President, I actually didn't ask for an explanation, but I wanted one and your intuitive powers continue to amaze me. You're serving us aptly.

If the Senator would yield to a question.

ACTING PRESIDENT KUHL: Senator Saland, will you yield?

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR PATERSON: Actually, there was some aspects of the legislation I was particularly impressed with, the

involvement of victims in the process, which is something that for such a long time our criminal justice system has not addressed, the decision you made in the legislation to unseal the records for youthful offenders when it comes to applying for licensing for weapons, perhaps later on in their lives, the availability of that information is I think quite good and also the jurisdiction of Family Courts to issue as you have underscored in your legislation, search warrants which could be very helpful in ferreting out and preventing crime.

Those are some of the more dialectic aspects that I was quite happy to see in the legislation.

However, with crime decreasing since it had increased among youthful offenders from 1986 to 1996 and crime now decreasing and the anticipation that you described in your remarks of a spike in crime, I am somewhat concerned that the scope of the legislation is not directed more in the area of prevention, such as it is currently.

For instance, some of the

programs that you probably have heard about, for instance, in the city of Boston where they had a program involving the police department and 45 different types of programs and agencies and they cut violent deaths among young people by 90 percent, in that city. I don't see a real commitment in this legislation to prevention. I just wondered, if the crime rate is now down and what we're - what we're talking about is heading it off before it rises again, certainly your legislation could be said to be a deterrent to younger people.

But what, in a tangible sense, are the measures that you propose for prevention?

SENATOR SALAND: Mr. President, in my opening remarks I believe I indicated to you that the thrust of this legislation is an endeavor to deal with those who have committed crime.

When we start talking about prevention, and I certainly have a considerable interest in the area of prevention, serving as I do as chairman of the

Children and Families Committee -- I believe we're getting involved in issues that are more -- more appropriately dealt with within the context of the budget, within the context of other legislation.

We believe that, when you look at the use of alternatives, when you look at the use of our dispositional services plan, those who do commit crime can, in effect, be not merely rehabilitated but provided with opportunities through what may now commonly be called graduated sanctions to take advantage of the kinds of programs and the kinds of diversions that will be presented.

This bill does not attempt to rewrite social policy. This bill attempts to deal with a criminal justice problem, and I certainly would hope that you would not have a comfort level with the degree of violent crime that's being committed by youths in the state of New York. The fact that it has diminished in the past year or two, it's still nearly 50 percent higher than it was ten years ago and if you take out the last two years, it's probably in some categories 80 or 90 percent

higher, and if we're going to put our heads in the sand and assume that it's going to continue to get better, we're in for a rude awakening; and there's all kinds of reasons given by many different portions of the spectrum as to why that has happened. Some of it is attributed to law enforcement. Some of it is attributed to programs. Some of it is attributed again to the demographics and I'm sure there's enough credit to go around to all portions of that spectrum. Nobody can give you a definitive answer.

But we're not endeavoring to deal here with that part of the equation. This bill endeavors to do no more than to deal with those who have engaged in crime.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you very much, Senator Saland, and Mr. President, on the bill.

ACTING PRESIDENT KUHL: Senator Paterson, on the bill.

SENATOR PATERSON: Mr. President, everything that Senator Saland has

said on the subject reveals that prevention is a priority area with him and he does have other measures that actually address it, and so I think that I do have a comfort level with the fact that Senator Saland himself will address the entire area. I due have a problem with this bill presented at this time, coming before what I would see as the entire equation, which would head off criminality among youth.

We're talking about really one half of one percent of all youth, and yet it is being highlighted in such a way not just by the presentation of this bill but in the discussion of the subject in such a way as if there isn't a decrease in the crime and I don't have a comfort level with any crime, but I pointed it out just to indicate that this is the area we should be directing our lawmaking, and to put half of it out here and to leave what would be the most important part, particularly when we're talking about younger people -- we're talking about individuals who are still forming their thoughts and judgments about their lives -- we know that advertisers

believe that it's that early teen audience that they want to hit because in many ways they make a lot of the decisions that they will live with for the rest of their lives at that time in terms of products that they buy and it's also true with the reasoning mind. It is one that flourishes when it is enhanced at that particular time.

Most of the crimes committed by youth are committed between the hours of 3:00 p.m. and 8:00 p.m., which is the after school situation. Senator Kennedy has a bill right now called "America After School" addressing that particular issue, and Senator Saland, very honestly, explained that's not in this particular piece of legislation.

Therefore, I don't -- I would rather not support the legislation at this time, if anything as an encouragement to those who are in position to pass bills here to address that other side of the equation, to look at the endeavors we can take that would curb crime among youth, to focus our attention in the belief in the younger people of our society that perhaps we can head off

anti-social activity on their -- on their part.

I think that is really the crux of my opposition to this legislation. We are addressing an issue in anticipation of something that we all fear may be an increase in crime among younger people, but at the same time we are now going to legislate as to how to -- how to deal with the individuals who commit the crimes after they commit them rather than how to stop them and perhaps dissuade them from going in that area, and in my opinion it demonstrates the rather lugubrious point of view that we as a legislature are taking about young people in our society.

We talk about how much we like young people and that kind of thing, but we have no belief in them. We have no understanding that they can be affected by actions that we actually take. If we're talking about second and third predicate felons, people who have demonstrated a pattern of conduct and you want to increase crimes in those areas, I can understand that, I can vote

for that, but to pass legislation at this time that treats really the problem ex post facto, in my opinion, is somewhat shortsighted and, for that reason, I would encourage those who would join with the work that Senator Saland has already done in the area to put the package together in one package and when I see it that way, then I will feel more comfortable voting for it.

ACTING PRESIDENT KUHL: Senator Waldon.

SENATOR WALDON: Thank you, Mr. President.

Would the gentleman yield to a question?

ACTING PRESIDENT KUHL: Senator Saland, would you yield to a question?

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator yields.

SENATOR WALDON: Thank you, Mr. President.

Senator, you are aware of the Rand study in California in '96, are you not?

SENATOR SALAND: Yes, I am, Senator Waldon.

SENATOR WALDON: And are you - could I just continue, Mr. President?

SENATOR SALAND: Could I just ask that the gentleman raise his voice a little bit.

SENATOR WALDON: With pleasure. Mr. President, would the gentleman continue to yield?

SENATOR SALAND: Yes, sir.

SENATOR WALDON: Are you also aware that that report showed that for every million dollars spent on prevention measures that over 230 crimes were prevented, whereby the same amount of money spent -- let me just check my math, the same amount of money spent -- sorry, it's 480 crimes, same amount of money spent on incarceration resulted -- and punitive measures resulted in just 62 crimes being prevented in the state of California, by youth we're talking about?

SENATOR SALAND: I'm aware of the findings of the Rand study. I'm aware that it says that there are certainly positive

results from incarceration. They maintain that there are more positive results by way of prevention programs, and I don't think I'm here to argue with you that they're mutually exclusive, so I think there's room for both and certainly effective criminal justice policy requires both, but that's not what this bill is about, as we've discussed in a prior incarnation.

SENATOR WALDON: Would the gentleman yield for a few more questions?

ACTING PRESIDENT KUHL: Senator Saland, you continue to yield?

SENATOR SALAND: Yes, Mr. President.

ACTING PRESIDENT KUHL: Senator continues to yield.

SENATOR WALDON: Thank you, Mr. President.

Senator Saland, we've done this before and there's a purpose for what you're doing and hopefully there's a purpose in what I'm doing, and I understand that we're not arguing the issue that I'm trying to make but it must be made because we are at budget time

and we have billions of dollars -- 70 as characterized by some, 72 by others, could be 70, whatever, I don't know but it's a lot of money, and if we're going to make policy which will affect the quality of life for everyone across the state, especially the results of violent crime committed by our youth, then we need to address prevention measures as well.

Are you familiar with or aware of the statement that was made by the Division for Youth Director John A. Johnson in 1977, which said in regard to the Rand findings, quote: "The most successful programs were found to prevent five times as many crimes for every dollar spent on incarceration. This study reinforces the growing body of research showing that a human development approach works to reduce youth, family and community problems," close quote.

SENATOR SALAND: I'm not aware of his particular statement, but it certainly comes as no surprise. I have very high regard for the now Commissioner, and believe that he certainly appropriately would be a person to make a comment such as that.

SENATOR WALDON: Thank you, Senator Saland.

Mr. President, if I may, on the bill.

ACTING PRESIDENT KUHL: Senator Waldon, on the bill.

SENATOR WALDON: I cannot support this as proposed, but I just want to take this opportunity to thank Senator Saland for his earlier comment when responding to Senator Paterson that in your capacity as the chairman of your committee, that you will look -- and I think that's what I heard -- you will look towards developing policies and making proposals to us which will address the prevention aspect.

Clearly, if we are to have a safer society, then the dollars spent on prevention are better spent than those that are spent on punitive measures and on incarceration. We're in a time -- ticking time bomb situation regarding our youth where there will be an explosion of youth come the 21st Century and it seems to me better policy to spend the money on ensuring that all of us

will be safe because they will have viable alternatives early on as opposed to just locking people up for longer and harder sentences.

By the way, if there's ever an opportunity, in my opinion, to salvage a soul, to salvage a mind, to salvage someone who has made a mistake, it is earlier in life, not after they've been incarcerated for 18 years as opposed to nine years, not after they've been exposed to some of the seediest and most violent elements available in our society. We ought to stop them from ever getting to a point where all of those influences will wreak continued havoc on themselves and on ourselves.

I thank you for your indulgence, Senator Saland, and, Mr. President, I will be voting in the negative.

ACTING PRESIDENT KUHL: Senator Montgomery.

SENATOR MONTGOMERY: Mr. President, thank you.

I would like, if you would allow me, to read into the record a statement

that I have before me, and I would like for - and also to be part of the record that I am dedicating this statement to my son, William, who is 11, soon to be 12, and I want him to know that I stood up on his behalf in this chamber on legislation such as this.

The bill is tough, but it isn't smart. Being tough on violent kids is only one part of the equation. We need a comprehensive approach that is designed not merely to punish bad kids but also to prevent kids from entering the juvenile justice system, to begin with.

While this bill is properly concerned with holding violent juveniles accountable for their own actions, its focus on incarcerating serious offenders is shortsighted and will end up being more costly in the long run. We should be considering more preventive efforts such as efforts to keep at-risk kids off the street, especially between the hours of 3:00 and 8:00 when most crimes are committed by young people.

This punitive focus offers little in terms of preventing juvenile crime.

Incarcerating a person after they have harmed another is but half a loaf. We need to enact legislation to help local officials, including educators and social workers and others to identify problem kids and intervene in their lives before they victimize others. For example, the Boston Police Department, in a nationally renowned program, works with 45 community programs on youth outreach aimed at reducing crime. Their efforts have resulted in a 90 percent drop in firearm deaths between 1990 and 1997.

According to the Division of Criminal Justice Services, juvenile crime is declining. Let's keep in mind that when we talk about juvenile crime, we are talking about a relatively small group of offenders, less than one half of one percent of all juveniles in 1994.

This bill fails to address the need of 99.5 percent of our state's youth. We all agree that violent juveniles must be held accountable. Yet the legislation focuses on mandatory sentencing and on trying youths in the adult justice system. There is an

impressive body of research that concludes that prevention, along with increasing the resources to existing programs can do more to reduce the juvenile crime rate than the incarcerative approach. Yet we have not added money to our budget to improve and expand juvenile programs in this state.

This bill creates a commission to study the needs of alternatives to placement programs and community reintegration programs for juvenile delinquents. So why are we passing this bill which alters the way juveniles who commit crimes will be handled before the commission comes with their report?

The bill represents half of the equation in terms of our state's juvenile crime problem. The Governor's approach is tough, but certainly not smart at all. We need to improve our preventive efforts and expand them by providing young people with supervised activities after school, by addressing at-risk children particularly, by giving Family Court judges more sentencing options for children who commit minor offenses and, because these elements are

missing from this bill, I certainly am going to vote no, and I thank our staff, Mike Fallon, who has helped me put together this statement, and I certainly again make this statement on behalf of my son and those other sons like mine in this state who might some day be entangled in this because of this legislation, in the criminal justice system.

Thank you, Mr. President.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the bill?

Hearing none, the Secretary will read the last section.

THE SECRETARY: Section 91. This act shall take effect in 120 days.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll. )

ACTING PRESIDENT KUHL: Would all of those members who are voting in the negative please take your seats and raise your hands if you're voting in the negative so that we can -- the Secretary can locate you and

record you accordingly?

Senator Smith, you can't sit on Senator Montgomery's lap and vote.

SENATOR SMITH: This is all my lap.

ACTING PRESIDENT KUHL: Announce the results.

THE SECRETARY: Those reported in the negative on Calendar Number 391 are Senators Markowitz, Mendez, Montgomery, Paterson, Rosado, Sampson, Santiago, Seabrook, Smith and Waldon. Ayes 41, nays 10.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Mr. President, I understand there are some people who would like to cast negative votes on previous bills.

ACTING PRESIDENT KUHL: Chair recognizes Senator Holland -- or excuse me, Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I would like unanimous consent to be recorded in the negative on Calendar Number

362.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Montgomery will be recorded in the negative on Calendar Number 362.

Senator Sampson, why do you rise?

SENATOR SAMPSON: Mr. President, I'd like unanimous consent to be recorded in the negative on Calendar Number 362.

ACTING PRESIDENT KUHL: Without objection, hearing no objection, Senator Sampson will be recorded in the negative on Calendar Number 362.

Senator Cook, why do you rise?

SENATOR COOK: Mr. President, can we return to the order of motions and resolutions.

ACTING PRESIDENT KUHL: That we can. We'll return to the order of motions and resolutions. Senator Cook.

SENATOR COOK: Mr. President, previously the Senate has adopted Resolution Number 2756 which commended the New York

Association for Continuing Community Education for 1988 -- yeah! 1998 Students of the Year as Outstanding Adult Learners. We have those students with us in the galleries today. I would like to read their names and have them recognized. I will say that we have probably missed a couple of people. I know one individual in particular who's supposed to receive a copy of this resolution and we will make sure that you get a copy before you leave because the resolution directed that you were to receive a copy of it, and I ask you to forgive mispronunciations of names, but I will do the best that I can.

I know that most of you have already been to the various Senate offices, have been greeted by the Senator who represents you, but we as a Senate chamber are very proud of all your accomplishments and would like to recognize you at this time.

Christine Torres, Pietro Di Paolo, Harry Seda, Eugene Shustorovich, Sonja Anderson, Daniel Loftus, Sharon Malone, Maria Arce, May Belle Currington, Jamie Lawson, Judy St. Louis. These adult students of the year are

accompanied by the board president of New York Association for Continuing Community Education Lin Wischhusen and also by the awards day co-chairs, Marilyn Howland and Mark Cass.

Mr. President, I would be most grateful if you could welcome these outstanding students and their leaders here today.

ACTING PRESIDENT KUHL: Thank you, Senator Cook and on behalf of Senator Bruno, Senator Cook, and all the members of the Senate, we welcome the adult students to the chamber. We congratulate you on your tremendously successful job, your hard work. We know it took a lot, and we wish you well.

Now, if you would all stand, Jamie and the other members, we'd like to congratulate you and welcome you to the chamber.

Thank you for being with us.

(Applause)

Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

On page number 4, I offer the

following amendments to Calendar Number 46, Senate Print Number 1417, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT KUHL: Amendments to Calendar Number 46 are received and adopted. Bill will retain its place on the Third Reading Calendar.

Senator Holland.

SENATOR HOLLAND: Any further housekeeping?

ACTING PRESIDENT KUHL: There is none other at the desk, Senator.

SENATOR HOLLAND: There being no further business, I move we adjourn until Monday, March 23rd, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until Monday, March 23rd, at 3:00 p.m., intervening days to be legislative days.

(Whereupon at 11:48 a.m., the Senate adjourned.)