NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 18, 2006

11:02 a.m.

REGULAR SESSION

SENATOR CHARLES J. FUSCHILLO, JR., Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT FUSCHILLO: The Senate will come to order.

I ask everyone present to please rise and repeat with me the Pledge of Allegiance.

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

ACTING PRESIDENT FUSCHILLO: The invocation today will be given by Pastor Ernest Fink, City Harvest Church in Albany.

PASTOR FINK: Good morning, Senators. Will you bow your head with me in prayer.

Lord, we thank You for this wonderful day. We thank You for the blessing that is upon the great Empire State. And, Lord, as we move through this Senate session, we pray that You would cause wisdom and understanding to be part and parcel of what they do today.

We pray Your blessing upon our families, upon the Governor, upon those who are involved with the governing of this state. And we ask this in Your name. Amen.

ACTING PRESIDENT FUSCHILLO: Reading of the Journal.

THE SECRETARY: In Senate, Tuesday, January 17, the Senate met pursuant to adjournment. The Journal of Sunday, January 15, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT FUSCHILLO: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Skelos.

SENATOR SKELOS: Mr. President, there will be an immediate meeting of the Rules Committee in the Majority Conference Room.

ACTING PRESIDENT FUSCHILLO: There will be an immediate meeting of the

Rules Committee in the Majority Conference Room.

Senator Wright.

SENATOR WRIGHT: Mr. President, if we could adopt the Resolution Calendar at this time, with the exception of Resolutions Number 3161 and 3244.

ACTING PRESIDENT FUSCHILLO: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 3161 and 3244, signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FUSCHILLO: Opposed, nay.

(No response.)

ACTING PRESIDENT FUSCHILLO: The Resolution Calendar is adopted.

Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

There's a resolution at the desk by Senator Paterson. Could we read the title only, please.

ACTING PRESIDENT FUSCHILLO: The Secretary will read.

THE SECRETARY: By Senator Paterson, Legislative Resolution Number 3253, commemorating the 77th birthday of the Reverend Dr. Martin Luther King, Jr., and paying tribute to his life and accomplishments.

ACTING PRESIDENT FUSCHILLO: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FUSCHILLO: Opposed, nay.

(No response.)

ACTING PRESIDENT FUSCHILLO: The resolution is adopted.

Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

Following the normal procedure of the Senate, could we please open the resolution and include all of the members of the Senate, unless someone wants to have their name removed at the desk.

ACTING PRESIDENT FUSCHILLO: So ordered.

Senator Wright.

SENATOR WRIGHT: Thank you, Mr. President.

If we could take up Resolution Number 3161, by Senator Rath, and have the title read, please.

ACTING PRESIDENT FUSCHILLO: The Secretary will read.

THE SECRETARY: By Senator Rath, Legislative Resolution Number 3161, memorializing Governor George E. Pataki to proclaim February 3, 2006, as Wear Red for Women Day in the State of New York.

ACTING PRESIDENT FUSCHILLO: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT FUSCHILLO: Opposed, nay.

(No response.)

ACTING PRESIDENT FUSCHILLO: The resolution is adopted.

Senator Wright.

SENATOR WRIGHT: Mr. President, could we please have all the members added to

that resolution unless there are objections.

ACTING PRESIDENT FUSCHILLO: So ordered.

The resolution is open for cosponsorship. If you do not want to be a cosponsor, please notify the desk.

Senator Wright.

SENATOR WRIGHT: On the calendar, if we could lay aside Calendar Number 31 for the day, please.

ACTING PRESIDENT FUSCHILLO: The bill is laid aside for the day.

SENATOR WRIGHT: Mr. President, we will temporarily stand at ease pending the return of the Rules Committee.

ACTING PRESIDENT FUSCHILLO: The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 11:06 a.m.)

(Whereupon, the Senate reconvened at 11:18 a.m.)

ACTING PRESIDENT LITTLE: Senator Skelos.

SENATOR SKELOS: Madam President, if we could return to reports of standing

committees, there's a report of the Rules Committee at the desk. I ask that it be read.

ACTING PRESIDENT LITTLE: Thank you. The Secretary will read.

THE SECRETARY: Senator Bruno, from the Committee on Rules, reports the following bill direct to third reading: Senate Print 6409, by Senator Skelos, an act to amend the Correction Law.

ACTING PRESIDENT LITTLE: Senator Skelos.

SENATOR SKELOS: Move to accept the report of the Rules Committee.

ACTING PRESIDENT LITTLE: All in favor of accepting the Rules report say aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The report is accepted.

SENATOR SKELOS: Madam President, would you please take up the calendar at this time, noncontroversial.

ACTING PRESIDENT LITTLE: The

Secretary will read.

THE SECRETARY: Calendar Number 36, by Senator Skelos, Senate Print 6409, an act to amend the Correction Law.

SENATOR SKELOS: Madam President, is there a message at the desk?

ACTING PRESIDENT LITTLE: Yes, Senator Skelos, there is a message of necessity at the desk.

SENATOR SKELOS: Move to accept.

ACTING PRESIDENT LITTLE: All in favor of accepting the message of necessity say aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The message is accepted.

SENATOR SKELOS: Madam President, before we take up the bill, on today's Resolution Calendar, 3134, by Senator Leibell, memorializing Governor Pataki to proclaim February 5 through 11 as Four Chaplains Religious Emphasis Week in the State of

New York, Senator Leibell would like to open up the resolution for sponsorship.

If anybody wishes not to sponsor the resolution, they should notify the desk.

ACTING PRESIDENT LITTLE: Thank you. All the Senators will be on the resolution. If you choose not to be on the resolution, please notify the desk.

SENATOR SKELOS: Madam President, if we could go back to motions and resolutions, there's a Resolution 3244 by Senator DeFrancisco. I ask that it be read in its entirety.

ACTING PRESIDENT LITTLE: Calendar Number 36 will be laid aside.

We return to the order of motions and resolutions.

The Secretary will read.

THE SECRETARY: By Senator DeFrancisco, Legislative Resolution Number 3244, congratulating the Marcellus Central High School Mustangs Boys Soccer Team and Coach Jennifer Griffin upon the occasion of capturing the 2005 New York State Class B Championship.

"WHEREAS, Excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

"WHEREAS, Athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success and developing a sense of fair play and competition; and

"WHEREAS, It is the sense of this Legislative Body to recognize and pay tribute to those young people within the State of New York who, achieving outstanding success in athletic competition, have inspired and brought pride to their school; and

"WHEREAS, This Legislative Body is justly proud to congratulate the Marcellus Central High School Mustangs Boys Soccer Team and Coach Jennifer Griffin upon the occasion of earning the 2005 New York State Public High School Athletic Association Class B

Championship; and

"WHEREAS, This team enjoyed an outstanding season, earning 12 wins, five losses and one tie in regular season play. Their record of accomplishment is especially notable due to the fact that their schedule called for contests with many state-ranked teams in both the Class A and Class B divisions; and

"WHEREAS, Following their successful regular season, it was on to post-season sectional play. In their quarter final game, the Mustangs were on the road and defeated South Jefferson on their home field by a score of 2-1; and

"WHEREAS, It was then on to Rome, where the Mustangs took on number one seed Sherburne-Earlville in the sectional Class B semifinal. Marcellus emerged with a 4-1 victory that was notable for a hat trick and therefore three goals scored by Scott Campbell; and

"WHEREAS, Marcellus, having qualified for the Section III final, was matched with Clinton, who sported a record of

18 wins, no losses and one tie, and was considered by many the state's best Class B team. Marcellus took to the field at SUNY Cortland where they fought for an early lead which they never lost. The final score was Marcellus 4, Clinton 2. Marcellus was crowned Section III Class B Champion and thereby earned the right to appear in state regional competition; and

"WHEREAS, In regional play, Marcellus was first matched with Section II Champion Chatham. The Mustangs will long remember this game not only for its outcome but for the conditions in which it was played; massive rain and thunderstorms in and around Albany had made for poor field conditions. Just the same, Marcellus was able to shut out Chatham 4-0; and

"WHEREAS, It was then on to the regional final in Potsdam against a strong team from Canton. While the Mustangs outshot Canton 19-4, neither team was able to score in regulation time. A dramatic finish followed, with Marcellus scoring a sudden victory goal in the first overtime period and sealing a 1-0

victory and thereby earning the right to appear in the State Class B finals; and

"WHEREAS, The Marcellus Boys Soccer Team advanced to the State Championships, which were held at the National Soccer Hall of Fame in Oneonta. In the semifinal round, the Mustangs were matched with an aggressive team from Cold Spring Harbor who scored a quick goal just 30 seconds into the game, forcing the Mustangs to play from behind until less than a minute remained in the first half when Marcellus scored its first goal. Cold Spring Harbor was next to score in the second half, but Marcellus was able to answer twice and take the semifinal by a score of 3-2; and

"WHEREAS, Having earned the distinction of winning every post-season game to date, the Mustangs took on Spackenkill in the State Class B final; this accomplished Hudson Valley-area team had assembled a 22 and 1 record; and

"WHEREAS, The two teams played without a score until just two minutes remained on the clock in the first half. Marcellus took the lead and in the second half

added to their lead when they made three more goals while holding Spackenkill scoreless. The game ended with a score of 4-0. The Marcellus Boys Soccer Team was named Class B State Champion and returned to Marcellus carrying the school's first ever state championship for a boys team; and

"WHEREAS, Additional honors were bestowed upon the Marcellus Mustangs Boys Soccer Team when they were chosen to receive the Sportsmanship Award, which recognized exemplary behavior and sportsmanship demonstrated by players, coaches and fans during the State Championship weekend; and

"WHEREAS, No team, no matter how gifted one or even a handful of individuals may be, can accomplish all that has been achieved by the Marcellus Boys Mustang Soccer Team without exceptional skills teamwide. The 2005 New York State Class B Champions had talented team members throughout its player roster that included Ian Behm, Kyle Blackmer, Chris Borncamp, Scott Campbell, Joe Carelli, Brian Corcoran, Brendan Crowley, Adam Dagget, Pat Delaney, Kevin Dooley, Kyle Duck, Tom

Forte, Chris Grosso, John Henry Jackson, John Kermes, Kevin Merriman, Pat Richardson, Alex Rouse, Joe Sullivan, Tom Szpak, Dan Walsh, John Walsh, Brian Walter, Justin White, and Zack Zbikowski; and

"WHEREAS, The success of the Marcellus Mustangs can also be attributed to the attitude and effort displayed by the players who followed the technical, tactical and teamwork philosophy offered by Coach Jennifer Griffin and Assistant Coach T.J. Jackson. Further, the team enjoyed the support of the faithful families, school staff and community members who proudly encouraged this team to achieve; and

"WHEREAS, The 2005 Marcellus Mustangs shared noteworthy attributes off the field as well as in competition, individually and collectively. They constantly exhibited good sportsmanship and scholarship, thereby demonstrating to themselves and to others that they have a powerful combination of talent and character which reflects positively on their school and their community; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the Marcellus Central High School Boys Soccer Team and Coach Jennifer Griffin on their successful season, culminating with the New York State Class B Championship title; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the members of the Marcellus High School Boys Soccer Team and Coach Jennifer Griffin."

ACTING PRESIDENT LITTLE: Senator DeFrancisco.

SENATOR DeFRANCISCO: Madam President, thank you.

We keep bringing champions from my district into these chambers, just to make you realize that Central New York is the place of champions.

But despite all these accomplishments that you just read, probably their biggest accomplishment was getting here, in view of a long bus ride and getting stuck in the elevator here in the Capitol. So they were able to overcome all of those obstacles,

not only a game where they were inundated with rain and thunderstorms, they had an overtime game that they won 1-0, and basically beat teams that had better records going into the game than they did.

And it just seems to me that that shows not only that they're champions, but they are people that have great character and fortitude to overcome odds that maybe aren't as good as they could be.

Also, if you listened carefully -- I'm sure everyone listened carefully to the resolution -- that this boys soccer team happens to have a coach by the name of Jennifer. And Jennifer Griffin is the coach of a male soccer team, which is quite unusual, I think, in this state. But it's not going to be as unusual in the future, in view of the fact that the success she's been able to accomplish with these young men is going to be known throughout the state now that they're here to be recognized.

So congratulations. You're going to enjoy this the rest of your life. Sporting activities that you're involved with and great

teams that you're involved with, you're going to be talking about this till you're an old man like I am.

So enjoy it and enjoy the friendships that you've earned and enjoy being called champions.

ACTING PRESIDENT LITTLE: The question is on Resolution 3244. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT LITTLE: Opposed, nay.

(No response.)

ACTING PRESIDENT LITTLE: The resolution is adopted.

Congratulations.

(Applause.)

ACTING PRESIDENT LITTLE: Senator Skelos.

SENATOR SKELOS: Would you call up Calendar Number 36, noncontroversial, at this time.

ACTING PRESIDENT LITTLE: The Secretary will read.

THE SECRETARY: Calendar Number

36, by Senator Skelos, Senate Print 6409, an act to amend the Correction Law.

SENATOR MONTGOMERY: Explanation.

SENATOR SKELOS: Senator Montgomery, you asked for an explanation?

Madam President, this bill will increase the duration of registration for Level 1 sex offenders from 10 years to 20 years. All Level 2 and 3 sex offenders will be required to register for life. After 30 years of registration, Level 2 sex offenders may make application to the court to be relieved of their duty to register.

The action that we're taking today is based upon the work of a joint conference committee. And I want to thank Assemblyman Jeff Aubry for the good work that he did, working through the weekend to see that this compromise and agreement is before the floor today, before the members today to vote on.

If we do not act today, on Saturday information about 168 convicted sex offenders will be automatically removed from the sex offender registry, by the end of the month 226 sex offenders would escape Megan's Law, and by

the end of the year 3,579 convicted sex offenders will be unknown.

So that is the reason why we're acting today. And I certainly thank all my colleagues who served on the joint conference committee for their good work. And it truly is an indication that if we work together, much can be accomplished.

Today we are dealing strictly with registration. And if we continue to work in a nonpartisan way and the Assembly agrees to future conference committees, we will deal with issues such as eliminating the statute of limitations for rape and other sexual offenses which has passed this house; civil commitment, which passed yesterday in this house; mandatory community notification, which has passed this house on numerous occasions; email notification, which has passed this house on numerous occasions; GPS tracking and other important legislations that will protect children and families from dangerous sex offenders.

I point out that none of these other pieces of legislation that I've

discussed were part of the joint conference committee's action. As Assemblyman Aubry mentioned when questioned by Senator Klein, those issues were not before the joint conference committee and certainly the only issues we could deal with was registration and the limit or the term of registration.

ACTING PRESIDENT LITTLE: Thank you.

Senator Montgomery.

SENATOR MONTGOMERY: Yes, Madam President.

Thank you, Senator Skelos, for that explanation.

I'm looking at the legislation, Madam President, and I just would like to make a couple of observations and express --

ACTING PRESIDENT LITTLE: Senator Montgomery, on the bill.

SENATOR MONTGOMERY: On the bill.

I note that I believe under the current statute that is expiring vis-a-vis this legislation, or that is being changed, extended, the Level 1 offenders, who are, according to the definition here, the people

who are -- who have not been designated a sexual predator or a sexually violent offender or a predicate sex offender -- those Level 1s would be going off of the requirement for registration. But under this bill, they will remain for 20 years.

The original bill said that they were there for 10 years. So we're extending it for 10 more years with the option of any further extensions in 10 years. Probably we won't be here, but there will be another group, I'm sure.

So that we're now including Level 1 offenders. And based on the definition here, people who are not likely to offend again, people who are really minimally charged for the least offense are now going to be required to register for 20 years.

I want to register the same concern that I have had. The crimes for which an individual may be required to register as a Level 1 sex offender are oftentimes very minimal offenses. And I think that's very clear as it's defined in the legislation itself. So we did not intend for Level 1

offenders to be treated the same as Level 2 offenders, who are apparently extremely violent and we all want to see put away -- and, as people voted in the chamber yesterday, for life.

We're calling for these incredibly strict policies which could ruin a young person's life because they may have had a youthful indiscretion by forcing them, requiring them to be a part of this registry for 20 years.

And so I think that that is an extreme measure. Even though they may be charged and sentenced for a shorter period, they could essentially still be or would be required to remain in the registry.

I have concerns about what happens to these young people for the next 20 years in terms of the kinds of jobs they can get. They can't be a teacher, they can't be a youth counselor, they can't be a social worker. There are any number of areas where, if you're part of a sex offense registry, you are not going to be eligible to be hired and to work.

So that there are many issues and

questions around that, whether or not we should have them in. Certainly I don't think so. I think, for me personally, I've had personal experiences where people were part of the child abuse registry even though it was unfounded. This person was working at a daycare center, and she lost her job. Why? Because she was in the registry, could not have her name removed.

So there are clearly issues related to having a person who has a youthful indiscretion in particular or who has the most minor offense charged and still having to remain in the registry. I'm only talking about Level 1s, where we have specifically defined in the legislation that these are the least-likely repeat offenders.

And so I am going to continue to vote no on this legislation, not because I do not want to see predator sex offenders treated as we all believe they should be treated, severely, but I think that for Level 1 offenders, we should have another way of approaching this issue. They should not be required to spend another 20 years. In this

case, some of them who would be going off, they will spend another 10 years on and possibly even longer.

So, Madam President, I continue to object and vote no on this legislation.

ACTING PRESIDENT LITTLE: Thank you, Senator Montgomery.

Senator DeFrancisco.

SENATOR DeFRANCISCO: You know, I'd like to talk very briefly on the merits but mostly on the procedure.

First of all, on the merits, it's important that we got this bill done before many sex offenders would be taken off the registry. The best way we can help parents and the best way we can help the community protect against sex offenders is to make sure we know where they are and who is at risk. And I think it's important, it's extremely important that we got this done.

As important is the fact that this, in my memory, is the earliest we've ever had a conference committee on a substantial piece of legislation that resulted in a bill acceptable to both houses. And that's very significant,

because it shows that if people are willing to engage on the issue and be willing to talk publicly about the issue and honestly about their positions, differences can be resolved relatively quickly.

And I'd like to echo what Senator Skelos said, and that is we should definitely get together with the Assembly after the Assembly passes their legislation -- hopefully sooner than later -- on civil commitment and many other issues dealing with sexual predators and people that would make our community at risk. It works. We just need good faith on both sides for each side to stake out their positions in legislation and compromise can take place.

So I want to congratulate Senator Skelos and actually both houses for participating in these joint conference committees so quickly and getting something done so important to our community.

ACTING PRESIDENT LITTLE: Thank you, Senator DeFrancisco.

Senator Nozzolio.

SENATOR NOZZOLIO: Thank you,

Madam President. On the bill.

ACTING PRESIDENT LITTLE: Senator Nozzolio, on the bill.

SENATOR NOZZOLIO: Madam President, I wish to echo the comments of my colleagues Senator Skelos and Senator DeFrancisco in acknowledging how expeditious this review has crystallized in the early weeks of the legislative session. Through the vehicle of the joint conference committee, we have been able to resolve differences which existed with our version of legislation and the Assembly's version.

But let me take a moment to go back to chronicle some of the Senate's efforts on this important issue.

The Senate Crime Victims, Crime and Corrections Committee, in consultation with Senator Bruno and Deputy Majority Leader Skelos, decided last year that this was a very high priority issue for the Senate conference. We looked at how, on the tenth anniversary of Megan's Law, we could update the law, modernize it, expand its provisions and, as a result, protect more children.

That review led to our conference and the Senate Crime Victims, Crime and Corrections Committee to take a total review of the issue in public hearings. We invited advocates in many areas to review this proposal, to review the current Megan's Law and to see how we could make it a better law and protect more children.

The review was extensive. We invited law enforcement officials, educators, community advocates. And I want to thank particularly those premier advocates who helped us so much in the redraft of Megan's Law. And we're going to be seeing more of the results of their input occur in additional legislation as it develops this year.

But Maureen Kanka, Megan Kanka's mother, the mother of the young girl for who this law is named, Maureen Kanka was our witness in Albany and led the review. We took input from her, we thanked her for her help 10 years ago in pushing New York into developing this law in the first place.

But we want to thank Maureen Kanka for her steadfast support, her steadfast

leadership, and her commitment to this very important issue.

In New York City we heard from Mark Lunsford. I've mentioned Mark's participation to you on a number of occasions, but I think it bears repeating. Mark Lunsford is a truck driver. Mark Lunsford is not college-educated. Mark Lunsford is a blue-collar, salt of the earth kind of guy who was thrust upon this forum because of his significant and deep grief at the loss of his daughter by a sex predator.

I daresay the testimony from Mark Lunsford was the most compelling I have ever heard. He, by far, showed us the way that we needed to pursue Megan's Law reform, we needed to ensure that those sex predators do not fall off the review of Megan's Law and the Megan's Law notification process, and that we continue to press for additional laws to protect children.

If those laws had existed in the state of Florida, Mark Lunsford firmly believes that his daughter would still be alive. That's why the State of Florida

changed their laws almost overnight in reaction to the great advocacy that he's given because of the horrific tragedy he had to experience.

To Mark Lunsford I say thank you, and we need to build upon what we've done here today to ensure that the victims and victims' families do not have to go through what they had to go through as the result of sex predators.

Lastly, we need to thank the victims themselves who testified at our Long Island hearing. We had a very dramatic hearing occur where there were young people who, with their counselors, in closed session, discussed the particular victimization that occurred to them.

To those young people we say thank you for your courage and thank you for helping us understand that protection of children and prevention of victims from occurring in the first place should be the primary motive of this Legislature each and every day.

Getting it done is what this action was all about. It shows that the conference

committee process does work. It shows when there's a commitment, as we have commitments to make to protect victims, that the result can occur.

And, Madam President, I want to thank my colleagues who participated in our hearings. I want to thank our leader, Dean Skelos, for not only his participation in our hearings but his leadership on the conference committee that brought this result to us today.

Thank you very much.

ACTING PRESIDENT LITTLE: Thank you, Senator Nozzolio.

Senator Farley.

SENATOR FARLEY: Thank you, Madam President.

I rise in support of this bill. I don't think there's anything that we'll do this year that has a greater support and concern among the general public. It's a national concern.

And, you know, a few years ago we were wrongfully accused of being a dysfunctional legislature. I think this is a

good example of how this Legislature functions with dispatch when they have to.

And I want to say that the conference committee really deserves to be applauded, because it's very recent and it is mostly the people in this body right now that have established these conference committees. I served on the very first one that took place -- not for anything that greatly significant, but it was the first, on the 55-mile-an-hour speed limit on the Thruway, which everybody was glad to see raised.

But anyway, this is a great piece of legislation. Senator Skelos, I applaud you for making this happen. Seldom have I seen, in all the years that I've been here, something that has worked so well and so rapidly and has really been appreciated by the general public out there.

You know, it is said that some of these predators, they have victimized children a hundred times before they have been caught. And it is really necessary that we know who they are, where they are. And this is a great piece of legislation, and I applaud my

colleagues for supporting it and getting it done early in our session. And I think it's a credit to this house and to the Assembly. And I'm sure that the Governor is going to be signing this with dispatch also.

Thank you.

ACTING PRESIDENT LITTLE: Thank you, Senator Farley.

Senator Marcellino.

SENATOR MARCELLINO: Thank you, Madam President.

I would like to also extend my thanks to my colleague Senator Skelos. It's been a long overdue job for him, but he's worked very hard at this legislation and he deserves a lot of credit for keeping it on the front burner and making it actually work. And as the chair of the conference committee, it's a great thing to see it go ahead.

I like to boil these things down to something very, very local: What would the impact be in my Senate district if this bill did not pass and if this extension didn't pass? Senator, that would be 241 sex predators would disappear from our view, 241

in my Senate district alone.

I urge each and every one of you, go back, look at the statistics and look at the numbers in your Senate districts. Look at the numbers. Break them down and then see what you've protected your citizenry and your constituents against.

Two hundred forty-one people would have disappeared. We wouldn't know where they are, we wouldn't know where they were going, we wouldn't know where they're moving, we wouldn't know the kind of employment, employers would not know who they were and what their backgrounds were when they did checks.

This bill protects everybody. It protects everybody. And I tell you, as a soon-to-be grandparent, I will rest a lot easier that we have this bill in law and this extension in law to protect my grandchild. And I want to protect all of your children and grandchildren so that we make sure that in the future there is no problem, we don't have any more Megan Kankas out there that we cannot solve and we cannot deal with.

This is a must. This piece of legislation should pass this house unanimously. It should pass unanimously. This is a no-brainer on the issue, and we should be looking forward to the future on this and get this bill into law so we can keep protecting our children and our grandchildren. This is a must.

And again, thank you, Senator Skelos, for taking leadership on this. You deserve a lot of credit for it. And for everyone who paid any attention and helped out in this process to bring it to the fore and to make it work, I give you kudos and a lot of congratulations.

I look forward, as Senator Skelos said, to going to other issues that we've talked about and other concerns that are currently being held up. And I'd like to see them come to fruition as well. If conference committees are the way to go, let's do it and let's do it soon.

Thank you, and I will be voting aye.

ACTING PRESIDENT LITTLE: Thank

you, Senator Marcellino.

Senator Maziarz.

SENATOR MAZIARZ: Thank you very much, Madam President.

This is a great victory here today. It's a victory for the children, for parents in New York.

And I too want to offer my congratulations to Senator Skelos, Senator Nozzolio, Senator Volker, my colleague from Western New York who worked very hard on getting this final agreement.

Madam President, this is a day of togetherness. And this conference committee system worked, and Senator DeFrancisco pointed out how early it was. And that's really what we should be concentrating on today.

But I think that the advocates and the news media are very well aware of what goes on here in Albany today, as they should be, and hold us accountable for that. It's painfully obvious, looking at this piece of legislation and looking at the original Senate bill and the original Assembly bill, which house moved over to the other house's

position. This bill contains probably 90, 95 percent of what the original Senate bill had in it.

And the reason that happened, the reason for the movement in the other house was because of the public pressure from advocates like Maureen Kanka and Mark Lunsford and some of the other individuals that Senator Skelos brought up here to appear and to keep that pressure on.

But we should also remember that this is only one step, one very important first step. There are two other major steps that we have yet to take, and that's civil commitment and 24-hour monitoring. Little Jessica Lunsford may be alive today if the State of Florida had had 24-hour monitoring, which can be done relatively inexpensively and unobtrusively to those individuals who would require it.

So we still have two more steps to take. And the same movement, the same public pressure that brought us to this moment here today is going to accomplish those other two steps of civil commitment and 24-hour

monitoring. That's coming. Let's hope, for the sake of the children of the state of New York, that it happens tomorrow.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Maziarz.

Senator Klein.

SENATOR KLEIN: On the bill, Madam President.

ACTING PRESIDENT LITTLE: Thank you. Senator Klein, on the bill.

SENATOR KLEIN: I want to thank Senator Skelos for his hard work over the years in bringing this bill to the floor today.

But I sort of have mixed feelings. I sort of understand the importance of not letting this important law sunset, and I think what we're doing here today is important, but I clearly do not believe that we should be resting on our laurels. There's a lot to be done.

I said yesterday when we discussed civil confinement that that really is the way to go. If we want to do something to make

sure that our families are safe from dangerous sexual predators, I think civil confinement is what we need to do.

I really believe, in looking at Megan's Law over the last ten years, that it's merely a Band-Aid approach, that it's not working as well as it should, according to a study that my office did. We looked at over 250 zip codes which make up New York City and Westchester County, and we found, on average, there's seven Level 3 sexual predators living in each of those zip codes. Seven. And I'm not talking about certain areas in the city, I'm talking about spread throughout New York City, in very upper-income neighborhoods, low-income neighborhoods. It really runs the gamut.

And what I'm finding time and time again, that we need a mandatory requirement as far as notification is concerned. We're finding, especially in the City of New York, local precincts are not notifying the community when a dangerous Level 3 sexual predator moves into their community. That's a problem.

I have many cases within my own Senate district where sometimes we have Level 3 sexual predators, two, three moving into one neighborhood in a week -- near a school, near a daycare center, really in an area that is very much frequented by children.

And I think what's happened here is, and I think we're able to look at this over the last ten years, we've given far too much authority to local law enforcement. It's very clear when you read the law that local law enforcement may notify the community. I think we need to make it mandatory.

And something that I've been pushing for a couple of months now is something that I think will go a long way towards making sure our communities know who's living next door to them, and I think that's email notification. I really believe that that's the way to go. I think people need to know instantly when a Level 3 sexual predator moves into their community.

And I think -- and I'm glad Senator Skelos said this -- I'm looking forward for more meetings of the conference committee.

Because as I said, our work here is not done. There's very much that we need to do.

And I think it becomes even sort of a catch-22. I think we need a stronger Megan's Law now before we actually pass civil confinement. And if we pass civil confinement before Megan's Law, I guess it's not as important. So I think unfortunately our work is not done here today. There's very much more to do.

I vote yes on this legislation, but I look forward to working and reconvening the conference committee, shedding more light on this issue. And I think the result will make our families in the state of New York much safer.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you, Senator Klein.

Senator Golden.

SENATOR GOLDEN: Thank you, Madam President.

I congratulate both the Assembly, the Senate, and the Governor for coming together today on Megan's Law. Megan's Law is

an important aspect, I believe, here in this state that will help save children and give families confidence that the State of New York is doing the right thing.

I come from Kings County, Brooklyn. I have the largest number of offenders, 1619 living in Brooklyn alone, 3500 in the city, and somewhere in the category of 22,000 across the state. Those are pretty big numbers.

And we believe this is the right thing to do. And I applaud Senator Skelos and his leadership on this issue and the Assembly. And I vote aye.

Thank you.

ACTING PRESIDENT LITTLE: Thank you, Senator Golden.

Senator Alesi.

SENATOR ALESI: Thank you, Madam President.

I was just talking with Senator Skelos and asked him how long ago it was that I first met him and when I first came to the Senate. I knew him from before, because when I was in the Assembly I recognized him as the person who sponsored this bill when I was in

the Assembly, and I remember the day that he came over to the Assembly floor waiting for action on the Assembly and then Assemblyman Dan Feldman passed this bill.

And we all owe both of those gentlemen a great deal of credit, especially today, knowing that Senator Skelos has been the driving force in bringing this to a conference committee because the Assembly was so reluctant to do the legislation that we see before us.

It does a couple of other things, though. It speaks to the value of conference committees and debating and working out issues in open public. But far more important than that, it extends protection. By extending Megan's Law and strengthening Megan's Law, it extends protection to our families and our children.

And we may never know the quantitative value of that as far as prevention is concerned. But for me and for all of us here, we will know that Senator Skelos was the prime force in offering that protection for decades and decades to come for

our children and our families.

ACTING PRESIDENT LITTLE: Thank you, Senator Alesi.

Is there any other Senator wishing to be heard?

The debate is closed.

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT LITTLE: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT LITTLE: Senator Montgomery, to explain her vote.

SENATOR MONTGOMERY: Yes, Madam President, to explain my vote.

This is really a very sad moment for me, because I see, once again, it's overkill. It's how we deal with every issue. Every time there is an incident and it becomes part of the media hype, it's blown up altogether, and we just use that as an opportunity, as a platform to go after every single possible person.

And we can't seem to come to grips with the fact that in this state it is very, very important to consider all of the aspects -- the geography, the social conditions, the environment, everything that is important to how people are able to function and how they behave and what happens.

And let's try to look beyond punishment for once. I beg you, I beg my colleagues, let's use some other ways of addressing some of the issues that come before us.

So I'm voting no on this because I think it is extreme, Madam President, and there is nothing here that attempts to address the problem, especially in an early-intervention way. Sending Level 1s into purgatory, in my opinion, is not an answer to the problem or the issue. And we're going to punish a lot of especially young people who we know are going to be caught in this situation.

So I'm voting no, and I'm absolutely very, very disappointed that we've come to an agreement which really does not necessarily address the issue but will

penalize. And I am disappointed in my colleagues in the other house, the Democrats over there, I'm disappointed in the one who led this, because it should not include Level 1 young people.

So I'm voting no.

ACTING PRESIDENT LITTLE: Thank you. Senator Montgomery will be recorded in the negative.

Senator Volker, to explain his vote.

SENATOR VOLKER: Madam President, very quickly.

Senator Montgomery, you know I have great respect for you. But all I can say is you are totally wrong.

I'm going to vote yes, but I have to tell you this. There's an argument -- there was an argument ten years ago that maybe this wasn't a good idea. That is one of the reasons why I was a little reluctant. But I'll tell you something. Yeah, we can worry about young people and we can worry about young offenders, but it seems to me we should worry more about young victims.

The problem here is -- yeah, this isn't the answer. Senator Skelos will tell you this is not the answer. But it's a major step. What has occurred in this country, we are now recognizing how serious this problem is. And to the credit of the Assembly, they recognize it too.

And although there are political people in New York City and in Buffalo and so forth who still want to put their head in the sand on the issue of sexual abuse, Senator Skelos and a lot of other people realize we can't do that.

This is a move in the right direction. It's a move forward. If there should be some abuses, we'll deal with those. But this is important, along with civil commitment and along with other things -- and I'll predict to you civil commitment will pass this year, a version. And we'll have it ready.

But I want to congratulate Senator Skelos for this day because it's been a time coming. But as I've said to many people, I knew the Assembly in the end would do the

right thing, and they have.

I vote aye.

ACTING PRESIDENT LITTLE: Thank you. Senator Volker will be recorded in the affirmative.

Senator Skelos.

SENATOR SKELOS: Madam President, to explain my vote.

ACTING PRESIDENT LITTLE: To explain your vote.

SENATOR SKELOS: Senator Montgomery, some of the issues that you've raised, quite frankly the federal government at some point was probably going to dictate to the state what we should be doing.

On the bill that is presently moving through the House of Representatives, there would be lifetime registration for Number 3, Level 3, 30 years for Number 2, and 20 years for Number 1. So it's my belief -- although I think even without the federal government we should be doing it -- Level 1s would have to register for 20 years.

Senator Klein mentioned how Megan's Law has not work as well as it should when we

enacted it 10 years ago. I would point out to Senator Klein that when he served in the majority in the Assembly that we've probably sent over there 70, 80, 90 bills improving Megan's Law, to make it even more responsive, and yet no action was taken by the Assembly majority at that time.

Much to be done. We are going to continue our conference. I hope you join us to press the Assembly majority to take up bills such as GPS tracking, email notification, mandatory community notification, all sex offenders on the Internet, and many other bills. Last year there were probably 30 bills that passed this house, most of them on one day, that the Assembly Democrat majority refused to bring up.

And again, I'd hate to number them if I go back 10 years -- and part of that time when Senator Klein was in the Assembly majority -- how many bills we sent and sent over there that were totally ignored by the Assembly majority.

So we will continue to press them.

And I believe we are going have a very, very productive year in reforming Megan's Law and making sex offenders accountable for their acts and accountable to the public. And our priority will always be protecting our children and law-abiding citizens.

I'm going to vote yes on the bill.

ACTING PRESIDENT LITTLE: Senator Skelos will be recorded in the affirmative.

Senator Schneiderman.

SENATOR SCHNEIDERMAN: Thank you, Madam President. Very briefly.

I am also going to support this bill, and I commend everyone for trying to work on this extremely difficult problem.

I do urge my colleagues that the way for us to get the business of the people of the state done, the way for us to actually prevent sexual abuse in the future and prevent victimization is not to drop back into the ordinary Albany mode of finger-pointing.

What we have to do is find areas where we can agree. I agree with all my colleagues on both sides of the aisle that this is a good example of the use of the

conference committee system. We should have mandatory conference committees. That's something that we've been calling for.

But I would also suggest that having sex offenders on a registry without requirements of notification, without provisions for treatment, provides in a certain sense a false hope. This is a small step, and I realize it's very significant because of how difficult it has been to achieve for those who have been fighting for it. But there is much more we can do.

And Senator Montgomery and others who argue for other modalities and other approaches are as serious about preventing sex abuse and victimization as anyone here, and I hope that their views will be respected.

Look, in other states -- Texas has mandatory outpatient civil commitment. If Texas can be more aggressive with treatment, which has been proven to work for sex offenders, why are we lagging behind -- and I think this was actually -- I hate to say something nice about him, this was instituted when the president was the governor.

But we should all be open-minded to look wherever it is to solve this problem. Notification by email, as Senator Klein has been pushing, sex abuse hotlines, required training for professionals, more researches for parents -- these are all part of the picture. Let's focus on what works to protect our children and our families and our constituents, and let's continue with successes like this and not, you know -- whosever idea it was first, it only works for all the citizens of the state when we all agree. Let's keep doing the conference committees and let's respect each other's point of view.

I vote yes, and I hope that Senator Skelos is right, that we will have a productive year on these issues. And certainly there's enough credit to go around for everyone involved, and I know this is an important issue to him and it's been for a long time.

Thank you, Madam President.

ACTING PRESIDENT LITTLE: Thank you. Senator Schneiderman will be recorded in

the affirmative.

Senator Diaz.

SENATOR DIAZ: Thank you, Madam President. To explain my vote.

ACTING PRESIDENT LITTLE: To explain your vote, Senator Diaz.

SENATOR DIAZ: I heard my colleague Senator Montgomery explaining her worries. And this morning I saw a program on TV, and I saw Senator Skelos painting us Democrats as in the pocket of pedophiles and in the pocket of child molesters.

And I want people to know that Senator Montgomery's feelings are not to be taken in the wrong way. I'm voting yes for this bill, but we have to take into consideration what it is Senator Montgomery is trying to say.

But the other side, the Republicans always take those feelings or those comments to paint us Democrats as against whatever -- against the community or for being in favor of child molesters or being in favor of pedophiles.

So even though I'm voting yes on

this bill, and the bill has its merits, we still -- I'm still saying that the feelings and the worries that Senator Montgomery is expressing are not to be taken lightly and not to be confused by him trying to say that us Democrats are in favor of pedophiles and against the protection and the safety of our children.

So with that, Madam President, I'm voting yes on this bill.

ACTING PRESIDENT LITTLE: Senator Diaz will be recorded in the affirmative.

The Secretary will announce the results.

THE SECRETARY: Those recorded in the negative on Calendar Number 36: Senator Montgomery.

Those Senators absent from voting: Senators Johnson and Trunzo.

Ayes, 57. Nays, 1.

ACTING PRESIDENT LITTLE: The bill is passed.

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

SENATOR SKELOS: Is there any

other business at the desk at this time?

ACTING PRESIDENT LITTLE: No, there is not.

SENATOR SKELOS: There being no further business, I move we stand adjourned until Monday, January 23rd, at 3:00 p.m., intervening days being legislative days.

ACTING PRESIDENT LITTLE: Thank you. On motion, the Senate stands adjourned until Monday, January 23rd, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:13 p.m., the Senate adjourned.)