

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9 January 14, 2013

10 4:47 p.m.

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13
14 REGULAR SESSION

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18 LIEUTENANT GOVERNOR ROBERT J. DUFFY, President

19 FRANCIS W. PATIENCE, Secretary

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

2 THE PRESIDENT: The Senate will
3 come to order.

4 Please rise. We'll stand by for
5 the pledge until our colors are posted.

6 (The Civil Air Patrol color guard
7 entered the Senate chamber and presented the
8 colors.)

9 THE PRESIDENT: Please join me in
10 the pledge.

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

13 (The color guard posted the colors
14 in the rear of the chamber and exited through
15 the front double door.)

16 THE PRESIDENT: Please join me in
17 a moment of silence.

18 (Whereupon, the assemblage
19 respected a moment of silence.)

20 THE PRESIDENT: Thank you.

21 Next we'll have the reading of the
22 Journal. The Secretary will now read.

23 THE SECRETARY: In Senate, Sunday,
24 January 13, 2013, the Senate met pursuant to
25 adjournment. The Journal of Saturday,

1 January 12th, was read and approved. On motion,
2 Senate adjourned.

3 THE PRESIDENT: Without objection,
4 the Journal stands approved as read.

5 Next, presentation of petitions.

6 Any messages from the Assembly?

7 Messages from the Governor.

8 Let the record show we are in
9 receipt of the State of the State message from
10 the Governor. I hand it down and ask that it be
11 filed in the Journal.

12 Next, reports of standing
13 committees.

14 Any reports of select committees?

15 Communications and reports from
16 state officers.

17 Motions and resolutions.

18 Senator Libous.

19 SENATOR LIBOUS: I believe,
20 Mr. President, Senator Gianaris has some
21 motions.

22 THE PRESIDENT: Senator Gianaris.

23 SENATOR GIANARIS: Mr. President,
24 on behalf of Senator Krueger, I move that the
25 following bills be discharged from their

1 respective committees and recommitted with
2 instructions to strike the enacting clause:
3 Senate Number 1475.

4 On behalf of Senator Stavisky, I
5 move that the following bills be discharged from
6 their respective committees and be recommitted
7 with instructions to strike the enacting clause:
8 Senate Numbers 633, 645, 1300, 1301, 1308, 1310,
9 and 1317.

10 And on behalf of Senator Montgomery,
11 I move that the following bills be discharged
12 from their respective committees and be
13 recommitted with instructions to strike the
14 enacting clause: Senate Numbers 1384 and 1403.

15 THE PRESIDENT: So ordered.

16 Senator Libous.

17 SENATOR LIBOUS: Thank you,
18 Mr. President.

19 I believe there's a privileged
20 resolution at the desk by Senator Seward. May we
21 please have it read in its entirety, and then I
22 believe we would call on Senator Seward before
23 its adoption.

24 THE PRESIDENT: The Secretary will
25 read the resolution in its entirety.

1 THE SECRETARY: Legislative
2 Resolution 22, by Senators Seward, LaValle,
3 Flanagan and Zeldin, commending the Colonel
4 Francis S. Gabreski Cadet Squadron from the Long
5 Island Group of the Civil Air Patrol Color Guard
6 upon the occasion of presenting the colors at the
7 start of the session of the New York State
8 Senate, January 14, 2013.

9 "WHEREAS, It is the sense of this
10 Legislative Body to recognize that the quality
11 and character of life in the communities across
12 New York State are reflective of the concerned
13 and dedicated efforts of those organizations and
14 individuals who are devoted to the welfare of the
15 community and its citizenry; and

16 "WHEREAS, Attendant to such concern,
17 and in full accord with its long-standing
18 traditions, this Legislative Body is justly proud
19 to commend the Colonel Francis S. Gabreski
20 Cadet Squadron from the Long Island Group of the
21 Civil Air Patrol Color Guard upon the occasion of
22 presenting the colors at the start of the session
23 of the New York State Senate, to be held on
24 Monday, January 14, 2013, at the New York State
25 Capitol in Albany, New York; and

1 "WHEREAS, The Civil Air Patrol
2 enjoys a proud legacy of selfless sacrifice and
3 service to country and community that spans
4 decades. The organization was born one week
5 prior to the Japanese attack on Pearl Harbor; and

6 "WHEREAS, Thousands of volunteer
7 members of the Civil Air Patrol answered
8 America's call to national service and sacrifice
9 by accepting and performing critical wartime
10 missions; and

11 "WHEREAS, On July 1, 1946, President
12 Harry S. Truman signed Public Law 476
13 incorporating the Civil Air Patrol as a
14 benevolent, nonprofit organization. On May 26,
15 1948, Congress passed Public Law 557 permanently
16 establishing the Civil Air Patrol as the
17 auxiliary of the new United States Air Force; and

18 "WHEREAS, Three primary mission
19 areas were set forth at the inception of the
20 Civil Air Patrol: aerospace education, cadet
21 programs, and emergency services; and

22 "WHEREAS, Today, the Civil Air
23 Patrol handles 90 percent of inland search and
24 rescue missions, with approximately 75 lives
25 saved each year. Its members are generally the

1 first on the scene transmitting satellite digital
2 images of the damage within seconds around the
3 world and providing disaster relief and emergency
4 services following natural and manmade disasters,
5 including such phenomena as 9/11, Hurricane
6 Katrina, Texas and Oklahoma wildfires, tornadoes
7 in the south and central United States,
8 North Dakota flash flooding and the October 2006
9 earthquake in Hawaii, as well as humanitarian
10 missions along the United States and Mexican
11 border; and

12 "WHEREAS, In response to the
13 devastating effects of Hurricane Sandy, the Civil
14 Air Patrol's New York Wing promptly reacted by
15 flying 373 damage assessment sorties and
16 providing 143,360 aerial photographs to New York
17 disaster relief organizations, FEMA and the
18 Army Corps of Engineers; providing air
19 transportation throughout the affected region for
20 disaster response teams; deploying 30 volunteers
21 to assist with shelter operations conducted by
22 the New York City Office of Emergency Management;
23 and installing 40 volunteers to assist the
24 Red Cross with the logistics of relief supplies;
25 and

1 "WHEREAS, In addition, Civil Air
2 Patrol members are dedicated to counterdrug
3 reconnaissance and to teaching a new generation
4 about aerospace and its impact on our future.
5 Its cadet programs ensure our youth receive the
6 finest leadership training the nation has to
7 offer; and

8 "WHEREAS, The members of the Colonel
9 Francis S. Gabreski Cadet Squadron from the Long
10 Island Group of the Civil Air Patrol Color Guard
11 include: Dennis Woytowitz of Selden, New York;
12 Debbie Woytowitz of Selden, New York; Thor Hawrey
13 of Miller Place, New York; Ed Nelson of
14 Manorville, New York; Peter Tsakonas of
15 Port Jefferson Station, New York; Alex Woytowitz
16 of Selden, New York; Christopher Russo of
17 Sayville, New York; Connor Morse of Holbrook,
18 New York; Richard Breier of Holbrook, New York;
19 Josh Medina of Selden, New York; and Louis Fenech
20 of Sayville, New York; and

21 "WHEREAS, The Civil Air Patrol makes
22 a huge impact each and every day, going above and
23 beyond to make a profound difference in America's
24 communities; and

25 "WHEREAS, This occasion presents a

1 unique opportunity for this Legislative Body to
2 recognize and pay tribute to the members of the
3 Colonel Francis S. Gabreski Cadet Squadron from
4 the Long Island Group of the Civil Air Patrol
5 Color Guard; and

6 "WHEREAS, It is the sense of this
7 Legislative Body that when organizations of such
8 noble aims and accomplishments are brought to
9 our attention, they should be recognized by all
10 the citizens of this great Empire State; now,
11 therefore, be it

12 "RESOLVED, That this Legislative
13 Body pause in its deliberations to commend the
14 Colonel Francis S. Gabreski Cadet Squadron from
15 the Long Island Group of the Civil Air Patrol
16 Color Guard and its members upon the occasion of
17 presenting the colors at the start of the session
18 of the New York State Senate; and be it further

19 "RESOLVED, That copies of this
20 resolution, suitably engrossed, be transmitted to
21 Colonel Jack Ozer, New York Wing, Civil Air
22 Patrol, and the aforementioned members of the
23 Colonel Francis S. Gabreski Cadet Squadron from
24 the Long Island Group of the Civil Air Patrol
25 Color Guard."

1 THE PRESIDENT: Thank you.

2 Senator Seward on the resolution.

3 SENATOR SEWARD: Thank you,
4 Mr. President.

5 I am delighted to sponsor this
6 resolution, along with my colleagues
7 Senators LaValle, Flanagan, and Zeldin.

8 It's an honor and a privilege to
9 rise and recognize the members of the
10 Colonel Francis S. Gabreski Cadet Squadron from
11 the Long Island Group of the New York Wing of the
12 Civil Air Patrol Color Guard.

13 You know, in recent years it's
14 become a wonderful tradition here in the Senate
15 that early in our legislative session we have the
16 color guard from a cadet unit of a Civil Air
17 Patrol come and present the colors in such a
18 noble and respectful way. And today has been no
19 exception at all. A wonderful job on behalf of
20 our cadets presenting the colors today.

21 You know, as many of you know, the
22 Civil Air Patrol is a volunteer nonprofit
23 auxiliary of the United States Air Force. And we
24 mainly think of the Civil Air Patrol as helping
25 in providing emergency services throughout the

1 State of New York, including such things as
2 forest fire protection, disaster relief service,
3 guaranteed communications, and all aspects of
4 aircraft emergency assistance.

5 Many have come to know just this
6 past fall the important work by the Civil Air
7 Patrol during response to Superstorm Sandy. You
8 know, Civil Air Patrol members have assisted
9 FEMA, the Army Corps of Engineers and various
10 disaster relief groups with air transportation,
11 staffing of shelters, and countless other vital
12 services.

13 But in addition to all of this
14 outstanding service and work for the people of
15 the State of New York, one of the best things
16 that the Civil Air Patrol does is also encourage
17 activities to help develop young people into
18 responsible citizens. And they do that through
19 their outstanding cadet program.

20 You know, the color guard team that
21 we are honoring today is comprised of exceptional
22 young adults in the Civil Air Patrol's cadet
23 program. This cadet program, which is designed
24 for young adults ages 12 through 18, aims to
25 develop essential life skills and instill values,

1 including such things as teamwork, personal
2 integrity, leadership, respect, and
3 self-confidence, just to name a few. And all of
4 our cadets who are with us today, they certainly
5 are developing all of those outstanding
6 characteristics.

7 So we're honored to have the entire
8 team with us today, along with several fellow
9 members of the Civil Air Patrol.

10 Our color guard team is accompanied
11 today -- and I'd like to just acknowledge these
12 individuals with them -- Lieutenant Colonel Louis
13 Fenech, Lieutenant Colonel Tom Carello,
14 Lieutenant Colonel Jerry Marketos, and First
15 Lieutenant Edward Nelson. We're delighted to
16 have all of them with us today accompanying our
17 color guard.

18 I'm very sorry that Civil Air Patrol
19 Lieutenant Colonel Andrew Liddle, one of my
20 constituents, was unable to attend today. But
21 he's been involved as a government relations
22 advisor for many years of the Civil Air Patrol.
23 In fact, he was responsible for getting me
24 involved with the Civil Air Patrol back in my
25 district. And I'm very, very sorry that

1 Andy Liddle is not with us here today; I know he
2 wanted to be here. He helped start this new
3 tradition of bringing cadets to the State Senate
4 every year, and we're sorry he was unable to be
5 here.

6 You know, cadets here today come
7 from the Senate districts that are actually
8 represented by Senator LaValle, Senator Flanagan,
9 and Senator Zeldin, and they may wish to make
10 some comments as well.

11 But I offer my heartfelt
12 congratulations to all for their achievements,
13 and thank you for all that you do for the people
14 of the State of New York, particularly our
15 cadets.

16 Thank you, Mr. President.

17 THE PRESIDENT: Thank you, Senator.

18 Senator LaValle to speak on the
19 resolution.

20 SENATOR LaVALLE: Thank you,
21 Mr. President.

22 First, let me say to the cadets:
23 Thank you for coming to Albany, thank you for
24 your volunteerism, thank you for what you did
25 during Hurricane Sandy. And you are truly very,

1 very responsible individuals.

2 And while I haven't had a chance to
3 talk to you -- but I will -- I do know that
4 today's trip to Albany, while you got up early
5 and you came here, was a good experience and you
6 got to discuss and debate some of the issues of
7 the day. So I think you're going back to
8 Long Island with some additional knowledge.

9 Let me just say to the body that
10 this cadet unit squadron is housed at the
11 Francis Gabreski Airport. And at that site is
12 the location of the 106th Air National Guard that
13 has been famous for a lot of saves during
14 Perfect Storm and a lot of other critical saves
15 across very treacherous waters.

16 So I'm sure that just being at and
17 part of a very historic group and a nationally
18 recognized group helps you look into the future.
19 And maybe, for some, that will be something that
20 you want to do as a vocation.

21 Again, thank you for the interest
22 that you show and the things that you do each and
23 every day. And you're great role models at your
24 schools for other students.

25 THE PRESIDENT: Thank you, Senator.

1 Senator Flanagan.

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

4 I just want to join in the comments
5 of Senator Seward and Senator LaValle and, in
6 absentia, I want to add the voice of Senator
7 Zeldin. He is serving our country right now on
8 some military training, so he's meeting his
9 obligations elsewhere. So I'm proud to know that
10 he's doing that.

11 But it's always nice to have
12 constituents here. It's great to have young
13 leaders who exemplify the values that we all hope
14 to see in our own children. And I hope that you
15 have a great visit here. We look forward to
16 having you come back. And keep up the great
17 community-minded service that you always provide.

18 Thank you.

19 THE PRESIDENT: Thank you, Senator.
20 Senator Griffo.

21 SENATOR GRIFFO: Thank you,
22 Mr. President.

23 I also want to extend our thanks to
24 all of these young cadets for their service and
25 their dedication and commitment and tell you how

1 proud we are of each and every one of you for
2 your interest and what you are trying to do to
3 become so involved and be such an important part
4 of such a worthy and valuable organization.

5 I also want to express our
6 appreciation to all of the adult officers and
7 advisors who are with the group. I am fortunate
8 to have Lieutenant Colonel Jerry Marketos as a
9 member of my district, a constituent, and I know
10 how hard he works. And I appreciate all of their
11 hard work and diligence in working with these
12 young men and women.

13 So again, thank you all. We
14 sincerely appreciate all of your efforts and
15 service.

16 THE PRESIDENT: Thanks, Senator.

17 Any other members wishing to speak
18 on the resolution?

19 (No response.)

20 THE PRESIDENT: Seeing none, the
21 question is on the resolution. All in favor
22 signify by saying aye.

23 (Response of "Aye.")

24 THE PRESIDENT: Opposed, nay.

25 (No response.)

1 THE PRESIDENT: The resolution is
2 adopted.

3 First of all, I want to thank you
4 and ask that we all join in a round of applause
5 for our Civil Air Patrol.

6 (Applause.)

7 THE PRESIDENT: Thank you very
8 much. And thank you for your service.

9 Senator Libous.

10 SENATOR LIBOUS: Mr. President,
11 Senator Seward would like to open up the
12 resolution for everyone to go on it. So if for
13 any reason there's a member who chooses not to be
14 on the resolution, just let the desk know.
15 Otherwise, everybody's name will be on the
16 resolution.

17 THE PRESIDENT: Thank you, Senator.
18 The resolution is open for cosponsorship. Anyone
19 who does not want to be a cosponsor should notify
20 the desk.

21 Senator.

22 SENATOR LIBOUS: Mr. President, at
23 this time, on behalf of Senator Skelos and
24 Senator Klein, I want to hand up the following
25 Majority Coalition appointments.

1 THE PRESIDENT: To be filed.

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

4 And in consultation with
5 Senator Gianaris, I hand up the following
6 Democratic Conference committee appointments.

7 THE PRESIDENT: To be filed.
8 Senator Libous.

9 SENATOR LIBOUS: Mr. President, at
10 this time the Senate will stand at ease. When we
11 come back in, I will announce a time and a place
12 for a Rules Committee. I wish I could be more
13 specific on when we would come back in, but I
14 would ask members to stay close.

15 And the Senate will now stand at
16 ease.

17 THE PRESIDENT: The Senate will
18 stand at ease.

19 (Whereupon, the Senate stood at ease
20 at 5:07 p.m.)

21 (Whereupon, the Senate reconvened at
22 9:28 p.m.)

23 SENATOR LIBOUS: Mr. President.

24 THE PRESIDENT: Senator Libous.

25 SENATOR LIBOUS: I'd like to call a

1 meeting of the Rules Committee at 9:45. There
2 will be a meeting of the Rules Committee at 9:45
3 in Room 332.

4 THE PRESIDENT: Rules Committee,
5 9:45, in Room 322.

6 And the Senate is back at ease.

7 SENATOR LIBOUS: Thank you.

8 (Whereupon, the Senate stood at ease
9 at 9:29 p.m.)

10 (Whereupon, the Senate reconvened at
11 10:50 p.m.)

12 THE PRESIDENT: Senator Libous.

13 SENATOR LIBOUS: Thank you,
14 Mr. President.

15 May we return to reports of standing
16 committees. I believe there's a report of the
17 Rules Committee at the desk.

18 THE PRESIDENT: Reports of standing
19 committees.

20 The Secretary will read.

21 THE SECRETARY: Senator Skelos,
22 from the Committee on Rules, reports the
23 following bills direct to third reading:

24 Senate Print 2230, by Senator Klein,
25 an act to amend the Criminal Procedure Law;

1 And Senate 2107, by Senator Skelos,
2 Concurrent Resolution of the Senate and Assembly
3 proposing an amendment to Article 3 of the
4 Constitution.

5 THE PRESIDENT: Senator Libous.

6 SENATOR LIBOUS: Mr. President, I
7 move to accept the report of the Rules Committee
8 at this time.

9 THE PRESIDENT: All in favor of
10 accepting the Rules Committee report signify by
11 saying aye.

12 (Response of "Aye.")

13 THE PRESIDENT: Any opposed?

14 (No response.)

15 THE PRESIDENT: The report is
16 accepted.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President, now
19 if we could go to the calendar, could we please
20 take up Calendar Number 1 at this time.

21 THE PRESIDENT: The Secretary will
22 read.

23 THE SECRETARY: Calendar Number 1,
24 by Senator Klein, Senate Print 2230, an act to
25 amend the Criminal Procedure Law.

1 SENATOR LIBOUS: Is there a message
2 of necessity at the desk, Mr. President?

3 THE PRESIDENT: Senator Libous,
4 there is.

5 SENATOR LIBOUS: I move that we
6 accept the message of necessity at this time.

7 THE PRESIDENT: All in favor of
8 accepting the message of necessity signify by
9 saying aye.

10 (Response of "Aye.")

11 THE PRESIDENT: Any opposed?

12 (No response.)

13 THE PRESIDENT: The message is
14 accepted.

15 Read the last section.

16 THE SECRETARY: Section 58. This
17 act shall take effect immediately.

18 THE PRESIDENT: Call the roll.

19 (The Secretary called the roll.)

20 THE PRESIDENT: Senator Klein to
21 explain his vote.

22 SENATOR KLEIN: Thank you,
23 Mr. President.

24 When the voters send us to Albany
25 each and every year, they expect us to deliver

1 results. And I'm proud to say that today, after
2 working in a bipartisan fashion with
3 Governor Cuomo, Senate Republican Leader
4 Dean Skelos, Assembly Speaker Silver, and
5 Senator Cousins, we have delivered.

6 In this package not only are we
7 addressing all of the major issues that we set
8 out to fix, but we have done so in an inclusive
9 and bipartisan way that has provided us with a
10 comprehensive bill that so many of us can really
11 be proud of.

12 As we have said all along, this is
13 not about taking anyone's rights away but about
14 securing the right of all New Yorkers to live in
15 a safe and free society.

16 Make no mistake, we have long been
17 at the forefront of this fight. But today we
18 solidify our place as a national leader on gun
19 control. After all, this package recognizes the
20 constitutional right that every citizen has to
21 protect themselves while also recognizing that
22 right is not absolute and should not come without
23 reasonable common-sense restrictions.

24 I believe this is the most
25 comprehensive and tough gun-control package

1 you'll see anywhere in the country. From this
2 day forward, we are banning assault weapons, we
3 are eliminating high-capacity magazines, we're
4 reforming Kendra's Law, we're providing life in
5 prison for those who take the life of a first
6 responder.

7 We are finally getting serious about
8 illegal guns and finally increasing penalties on
9 the criminals who use the black market to rob,
10 assault, or even kill innocent law-abiding
11 citizens. And we are doing all of this by making
12 critical choices that finally begin to tackle the
13 complex issues of mental health and gun
14 ownership.

15 For that reason, I'd like to thank
16 Governor Cuomo for his leadership on this effort
17 as well as Senator Skelos again, the
18 Assembly Speaker, and of course Senator Cousins
19 for their steady and thoughtful leadership
20 throughout this legislative process.

21 Mr. President, I hope my colleagues
22 will join me in voting yes on this landmark
23 legislation.

24 Thank you.

25 THE PRESIDENT: Thank you, Senator.

1 Senator Smith to explain his vote.

2 SENATOR SMITH: Thank you very
3 much, Mr. President.

4 Let me first thank Conference Leader
5 Klein, Conference Leader Skelos, and
6 Conference Leader Andrea Stewart-Cousins. I
7 believe the three of them have put together what
8 I believe to be a package obviously that the
9 Governor has worked very aggressively on, a
10 package of legislation that I believe and we all
11 know will put New York State at the forefront of
12 gun legislation throughout the country.

13 We now will have the distinction of
14 having the most aggressive and most sweeping
15 legislation as it relates to not only making sure
16 that gun legislation is of a quality that will
17 keep our citizens safe, but also one that deals
18 with increased penalties.

19 In many of our urban centers --
20 Syracuse, Rochester, Albany, in particular
21 New York City -- we've had a rash of illegal gun
22 activities that has taken the lives of a number
23 of young people throughout this city. Many of
24 you are familiar with some of them. One of them
25 was here today, a young lady by the name of

1 Donna Hood, who lost her son of 13 years old
2 walking home simply from school.

3 The section of this particular bill,
4 Mr. President, that deals with increased
5 penalties I have been working on for quite some
6 time, along with some of my other colleagues.
7 And while I know their names are not in this
8 particular bill, one of the things that our
9 stenographers do is take down all that is said,
10 which helps memorialize some of what we talk
11 about on this floor. And in that vein, I would
12 like to be able to memorialize through my
13 statement here just a few names around the
14 illegal penalties and dedicate certain sections
15 to them.

16 There is a section of the bill that
17 deals with possession of loaded firearms during
18 any drug sale of violent felons. That penalty
19 goes from a C felony to a five-year mandatory
20 minimum. That would be dedicated to
21 Shanee Johnson's son, who was 17 years old.

22 There is a section here that deals
23 with illegal guns on school grounds, goes from a
24 Class A felony to an E felony. That would be
25 dedicated to Donna Hood, who lost her son,

1 13 years old, young man driving down the street.

2 Then there would be also the injury
3 to a child with an illegal gun weapon in the
4 reckless area, and that is a Class A misdemeanor
5 to a Class D. That would be dedicated to
6 Lloyd Morgan, four years old, young man in the
7 Bronx.

8 And then of course there is
9 targeting illegal possession of guns by gangs.
10 And that in particular would be dedicated to
11 Kenneth Archbold, who was in Harlem.

12 I want to thank my colleagues today
13 for the work that they're doing today. I want to
14 thank again Senator Klein, Senator Skelos,
15 Senator Andrea Stewart-Cousins, and the Governor
16 in particular for this effort.

17 I think today we are setting the
18 mark for the rest of the country to do what's
19 right by the people of the State of New York and
20 to do what's right by the country. I'll be
21 voting aye, Mr. President.

22 Thank you very much.

23 THE PRESIDENT: I just would ask
24 the Senators, we have a two-minute time frame for
25 explaining your vote.

1 Senator Peralta.

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

4 As the sponsor of 14 gun bills, I
5 couldn't be happier to see long-overdue action
6 finally taken on common-sense measures to protect
7 New Yorkers from gun violence.

8 From revoking the gun permits and
9 confiscating the firearms of domestic abusers and
10 the mentally ill, to requiring background checks
11 and law enforcement oversight for private gun
12 sales and ammunition purchases, to requiring
13 periodic statewide recertification of gun
14 licenses, a good deal of the legislation I have
15 sponsored and fought for is in this package.

16 After what we saw happen in Newtown,
17 Connecticut, and in Rochester, strengthening
18 New York's assault-weapons ban became an urgent
19 and pressing priority, and we are adopting
20 perhaps the toughest assault-weapons ban in the
21 country.

22 I applaud the Governor for his
23 perseverance and his commitment. Above all, I
24 want to thank him for his leadership. Making it
25 harder for criminals to get guns and keeping

1 firearms out of the hands of the mentally ill are
2 essential steps in the fight against gun
3 violence.

4 We also need to make it easier for
5 law enforcement to put gun criminals in jail by
6 making use of available technology. That's why
7 we need to enact microstamping legislation, which
8 has the support of police and prosecutors
9 throughout the state. And there's absolutely no
10 logical, coherent reason for not requiring
11 microstamping in New York, or at least not one
12 that has been articulated yet.

13 We're told that requiring
14 microstamping will put our state's gun
15 manufacturers out of business. Yet one of the
16 reasons we needed to toughen New York's
17 assault-weapons ban is because many high-powered
18 rifles now in production are exempted from the
19 current ban. Why? Because manufacturers altered
20 their products to circumvent the law. So
21 ignoring the law is profitable, but complying
22 with a microstamping requirement would be bad for
23 business. That's a business model that has no
24 business in New York.

25 In addition to making it harder for

1 criminals to get guns, we need to make it easier
2 for law enforcement to put gun criminals in
3 jail. Longer jail sentences won't make a
4 difference if we're not catching the people who
5 need to be locked up.

6 And please, let's not waste any more
7 time on the nonsense that a microscopic code on a
8 shell casing constitutes an assault on the
9 Second Amendment rights of sportsmen and
10 law-abiding gun owners. New Yorkers deserve
11 better than that, especially those waiting on
12 justice for a loved one lost to gun violence.

13 As I said, as the sponsor of 14 gun
14 bills, I couldn't be happier to see long overdue
15 action finally taking place. Mr. President, I
16 will voting yea.

17 THE PRESIDENT: Thank you, Senator.
18 Senator Gianaris to explain his
19 vote.

20 SENATOR GIANARIS: Thank you,
21 Mr. President.

22 An achievement as significant as
23 this requires a lot of thanks to go around.
24 Governor Cuomo certainly deserves our thanks for
25 shepherding this legislation through the

1 process. Senator Skelos deserves our thanks,
2 Senator Klein as well. But most of all, it's
3 Senator Stewart-Cousins and the Democratic
4 Conference I want to spend my two minutes
5 thanking this evening.

6 There are no fewer than seven
7 components of the legislation we're about to vote
8 on that are carried in individual pieces of
9 legislation by members of this conference. You
10 heard Senator Peralta discuss some of his
11 proposals. Senator Squadron has an
12 assault-weapons-ban bill very similar to what's
13 in this bill. I myself carry the universal
14 background check legislation that is contained in
15 this bill.

16 And I think what we're going to see
17 on our side of the aisle is a tremendous vote in
18 support of this legislation because of the
19 importance that it presents to the people of this
20 state. We see tragedy after tragedy around this
21 country, and most recently in New York State
22 itself, caused by the types of weapons that we
23 are taking action against this evening.

24 Make no mistake, we are saving lives
25 by passing this bill tonight. And for that,

1 everyone in this chamber has my thanks, whether
2 it's for simply allowing it to come to a vote or
3 for casting a vote in favor, because tonight we
4 are making a difference for the people of this
5 state.

6 Thank you.

7 THE PRESIDENT: Thank you, Senator.
8 Senator Squadron to explain his
9 vote.

10 SENATOR SQUADRON: Thank you,
11 Mr. President.

12 And I too want to thank the Governor
13 for his leadership in pushing this forward,
14 ensuring that we got here the first regular day
15 of session the kind of action that people have
16 been clamoring for for so long on guns. In fact,
17 in October I called for an emergency special
18 session to deal with exactly this issue. And
19 today the Governor is pushing this forward.

20 I thank the conference leaders for
21 allowing this to come to a vote today and for
22 their work, and our conference leader on the
23 Democratic side, Andrea Stewart-Cousins, for her
24 leadership on these issues over a great deal of
25 time, as well as the Assembly and the

1 Assembly Speaker.

2 The assault-weapons ban in this bill
3 makes us best in the nation when it comes to
4 banning the kind of military-style weapons that
5 have no business being on the street or in the
6 hand of civilians, period. Instead of having the
7 two-feature model, instead of listing specific
8 weapons, we say any one of these features that
9 basically makes a weapon an assault weapon,
10 allows it to do the kind of damage that we've
11 seen again and again in horrific tragedies, makes
12 guns no longer legal, period.

13 It also says that for the first time
14 the Superintendent of State Police is going to be
15 telling us which guns aren't legal. So if
16 manufacturers try to get ahead of this ban, the
17 Superintendent of State Police is going to be
18 right on their heels making sure that we do not
19 have assault weapons that are legal in this
20 state.

21 And the sale, the transfer, and the
22 possession -- other than with very strict
23 registration requirements -- will be banned.
24 It's a very big deal, it's very significant,
25 along with the other components of this bill.

1 And I am pleased that this
2 assault-weapons ban that I and the Governor and
3 so many others have been pushing for for so long
4 finally sees the light of day tonight and
5 hopefully gets passed into law.

6 Thank you, Mr. President.

7 THE PRESIDENT: Thank you, Senator.

8 Senator Krueger to explain her vote.

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

11 I also rise to take a moment to say
12 this house, the other house, and the Governor are
13 doing a good thing tonight.

14 It's not a perfect bill. I think we
15 all could name things we wish were included. For
16 me, it's a strong statement that New York is
17 getting tough on guns, that New York is making
18 sure that we are not going to see continued
19 levels of violence in our communities.

20 It's not the final step. I hope the
21 important message that is seen here tonight
22 coming from New York is the importance of
23 national legislation. I hope our colleagues in
24 Washington, D.C., understand the relationship
25 between the steps we're taking here tonight in

1 New York and the importance of ensuring that we
2 have parallel and even stronger protections built
3 in at the federal level.

4 Because you and I and all my
5 colleagues know that our authority stops at the
6 state border. And if others are allowed to
7 continue the practices that we are outlawing here
8 in New York in the surrounding states, we will
9 continue to see problems.

10 And so I hope that the message is
11 loud and clear coming from Albany and New York
12 State tonight that we are taking important steps
13 that must be replicated state by state and at the
14 national level.

15 I vote yes, Mr. President. Thank
16 you.

17 THE PRESIDENT: Thank you, Senator.
18 Senator Gipson to explain his vote.

19 SENATOR GIPSON: Thank you,
20 Mr. President. I'm grateful to have this
21 opportunity to talk about this bill tonight.

22 I think it's important that the
23 voters know that it's been only about two hours
24 since we've had the chance to look over the
25 details of this bill. And I myself, as a newly

1 elected official here who came here to
2 participate in democracy, I find it unfortunate
3 that we're not having the chance to debate this
4 bill with all the Senators here.

5 I frankly think that with all the
6 talent in this room on both sides of the aisle,
7 we could have done a lot better. And I hope that
8 in the future, on future bills, we will have a
9 chance to do better.

10 Having said that, I do want to say
11 that I'm happy to see that this bill does not
12 impose undue restrictions on the many sportsmen
13 in my district. I come from a district that has
14 many hunters, many sportsmen. And I'm happy to
15 see that this still gives them the freedom to do
16 what they enjoy doing in a safe way.

17 I just have to say that while the
18 bill is not perfect, I cannot help but continue
19 to think about the many children that have been
20 killed with gun violence that will no longer have
21 a chance to celebrate their birthdays, no longer
22 have a chance to celebrate holidays, that are no
23 longer with us. And I could not in good faith do
24 anything more than support this bill.

25 So I will be voting yes for this

1 bill.

2 THE PRESIDENT: Thank you, Senator.

3 Senator Parker to explain his vote.

4 SENATOR PARKER: Thank you,

5 Mr. President.

6 Let me join my colleagues and add my
7 voice to the chorus of those who are
8 congratulating both the Governor and the members
9 of this body in terms of them getting this bill
10 together, an important work that has to happen.

11 We oftentimes pass laws that look
12 for an outcome. Today, tonight, we're making
13 history by passing a law that will avoid
14 outcomes, outcomes like we saw in Newtown. And
15 we are hoping that this bill will make New York
16 safer and stronger than it was yesterday and that
17 we'll use this as a stepping-off point to do even
18 more to make the residents of our state the
19 safest residents in the country.

20 And I want to echo Senator Peralta
21 when he calls for microstamping. And there's a
22 couple of other initiatives that we on the
23 Democratic side of the aisle have been pushing
24 for that hopefully will be the next steps in
25 terms of making sure that people, and

1 particularly our children, are safe from gun
2 violence.

3 I'll be voting aye.

4 THE PRESIDENT: Thank you, Senator.

5 Senator Diaz to explain his vote.

6 SENATOR DIAZ: Thank you,
7 Mr. President.

8 Happy New Year to all of you.

9 This is a bill that I find is not as
10 strong as the Governor was bragging about that it
11 would be. It's not as strong in the ban on
12 assault weapons. It's a bill. I understand the
13 Governor had to come down so -- to allow Jeff
14 Klein to convince Dean Skelos to submit the bill
15 to the floor.

16 But ladies and gentlemen,
17 remember -- and I'm voting yes -- remember that
18 more than 32 Democratic Senators are voting for
19 this bill tonight. So this is a Democratic, this
20 is a Democratic bill. Even though we are not in
21 control in the chamber, I want everyone to know
22 that this is -- we are -- more than 32 Democratic
23 Senators, we are voting for this bill. So this
24 is our bill. And we Democrats are the ones
25 putting this together.

1 I'm voting for it, but yet
2 knowing -- knowing, ladies and gentlemen, knowing
3 that even though I'm voting for it to give the
4 opportunity for crime to come down, I know and
5 you should know that this would not make a
6 difference in crimes. It's the mind. Not until
7 we work on people's minds.

8 We have lost respect for life, we
9 have lost respect and fear of God. We have lost
10 everything that make people respect one to
11 another. And not until we go back to those
12 standards, nothing, nothing going to control
13 crimes and nothing going to control this.

14 I'm voting for it, but I assure you
15 there's nothing going to change. It's the mind.
16 It is not the weapon, it's not the revolver, it
17 is not the rifle. It's the mind.

18 Thank you very much.

19 THE PRESIDENT: Thank you, Senator.
20 Senator Espaillat to explain his
21 vote.

22 SENATOR ESPAILLAT: Thank you,
23 Mr. President.

24 I want to also congratulate the
25 leaders of the Legislature, the Governor on the

1 second floor for this initiative.

2 But make no mistake about it, it is
3 the outrage of millions and millions of Americans
4 that has manifested itself across the country
5 after the tragedies that have shaken all of us,
6 that have propelled us to take this action. It
7 is the outrage of our nation and our state
8 regarding the tragedies in Connecticut and other
9 states that have now brought us here together to
10 ignore partisanship and work on common ground to
11 begin the work on gun control.

12 Because this is not the end of it,
13 this is just the beginning of it. And there are
14 still many measures that must be considered and
15 taken to ensure that our families have a better
16 shot, a better opportunity at living safely in
17 their communities. And there are some provisions
18 that we feel are very necessary and strong
19 provisions that are not included in this bill.

20 So let this be the beginning of a
21 robust dialogue and debate throughout this
22 legislative session to improve on matters of gun
23 control. And let it not be just limited to a
24 piece of legislation. I think we need to bring
25 this debate to the budget process. We must make

1 sure that the budget of this state includes
2 funding for programs that have shown to eradicate
3 guns from the streets of the City of New York and
4 the urban settings in our state.

5 It is not just the assault weapons
6 that are causing damage and killings across the
7 state. Guns, handguns are used readily and daily
8 across most of the urban cities of this state,
9 and we must address that issue. And we can do
10 that not only with regards to public policy or
11 passing legislation, but we should also ensure
12 that this incentive and this initiative is
13 reflected in the budget process.

14 Yes, even within a very difficult
15 budget year, we must take into consideration that
16 the programs that are necessary for law
17 enforcement and for communities to eradicate guns
18 from their corners are implemented across the
19 State of New York.

20 I stand to vote aye on this bill,
21 and I think it's the beginning of a debate, not
22 the end of this process.

23 Thank you.

24 THE PRESIDENT: Thank you, Senator.

25 Senator Adams to explain his vote.

1 SENATOR ADAMS: Thank you,
2 Mr. President.

3 I want to thank Senator Klein for
4 bringing this important bill to the floor and
5 allowing us to vote on it.

6 It seemed like it was only yesterday
7 that I visited a gun shop right here in Albany
8 and was able to purchase a high-capacity
9 magazine. And people said it was impossible,
10 when I introduced the legislation to began ban
11 those magazines, they said it would never
12 happen. It seemed like only yesterday when I
13 drove from upstate carrying an assault rifle to
14 the border of Yonkers on Broadway, able to walk
15 into the Bronx with that assault rifle. And I
16 stated we need to ban these assault rifles, and
17 people said it was impossible.

18 And so the impossibility actually
19 came to reality today as we're voting on these
20 legislations and these bills that are clearly
21 going to turn the corner on what we're doing in
22 New York City. And hopefully Washington, D.C.,
23 will understand the importance and the importance
24 of banning assault rifles will resonate
25 throughout the entire country.

1 It's one thing for New York City to
2 have strong gun laws, but when you can walk into
3 any gun shop in Albany with just a driver's
4 license and pick up an AK-47 or pick up any other
5 assault rifle and walk into New York City, then
6 we're failing. We must ban assault rifles. And
7 Senator Peralta is right, and Senator Espailat
8 is right. It's more than just assault rifles.

9 Because we not only mourn the death
10 of children who are shot by AK-47s in classrooms,
11 we mourn the death of children who are shot on
12 playgrounds with 9 millimeters or .38 or any
13 gun. The death of a child, a parent doesn't
14 mourn different based on the geographical area
15 that they were shot. We must deal with the sick
16 fascination we have with gun violence.

17 And I will be voting aye.

18 THE PRESIDENT: Thank you, Senator.

19 Senator Ball to explain his vote.

20 SENATOR BALL: Good evening,
21 everybody. How are you? It's good to be in the
22 State of New York.

23 You know, it's amazing, I got a
24 letter from a mother in my district. And that
25 mother has a bipolar child who's schizophrenic,

1 and she fears for her life and the lives of her
2 neighbors every day. And the mental health
3 system in the New York State has failed her
4 repeatedly. It's a kangaroo system, and that
5 child will be treated like a number and a ticking
6 time bomb to go off.

7 And that single mom doesn't have the
8 support from this state or that system to care
9 for that child. And tonight we preach about
10 saving lives.

11 Not long ago I think a woman was in
12 Georgia, she has several young children, her
13 husband showed her how to shoot. Somebody broke
14 into her home, came after her, she shot him I
15 believe six times. Tonight we're going to pass
16 legislation that if she had eight rounds in that
17 chamber instead of seven, she'd be a criminal.

18 We haven't saved any lives tonight
19 except for one, the political life of a governor
20 who wants to be president.

21 We have taken an entire category of
22 firearms that are currently legal that are in the
23 homes of law-abiding, taxpaying citizens -- as a
24 legislature that believes in its power to the
25 extent where you actually profess you're

1 magically saving lives, we are now turning those
2 law-abiding citizens into criminals.

3 And tomorrow hoping that on the
4 front pages we will be seen as preventing
5 tragedies. Yet that single mom will wake up
6 tomorrow with that bipolar child who's
7 schizophrenic and violently mentally ill, and we
8 will have done nothing.

9 Good night. And I voted no, and I
10 only wish I could have done it twice.

11 THE PRESIDENT: Thank you, Senator.

12 Any Senators wishing to explain
13 their vote?

14 Senator Marchione.

15 SENATOR MARCHIONE: I rise to
16 explain my no vote as well.

17 I truly believe that the
18 Second Amendment constitutional freedoms of every
19 New Yorker tonight has been weakened and will be
20 weakened by the passage of this new restrictive
21 gun law.

22 I felt -- I feel that it was a shame
23 that our Governor felt the need to use a message
24 of necessity.

25 Because we talk about transparency

1 and we talk about wanting our people within our
2 districts to be able to give us their opinions
3 and to have public hearings and to hear about the
4 process, and to make sure it's open and
5 transparent, yet we get legislation on our desks
6 for less than 20 minutes and we're voting on
7 something through a message of necessity.

8 Law-abiding citizens who own
9 guns are not our problem. Law-abiding citizens
10 understand, know how to take care of their guns
11 not to be a danger to others. Mentally ill
12 people and criminals who have guns, who will have
13 guns whether or not this legislation is passed --
14 because they will get guns illegally. Most of
15 them do.

16 All of us in this room tonight care
17 deeply about the tragedies that have occurred in
18 our state and in other states. But do you
19 realize that out of all of those incidences,
20 they're males between 18 and 34? And in only one
21 instance it wasn't mental illness. We need to
22 look at mental illness.

23 When I look at this bill tonight, I
24 see some good things. I see how we're looking at
25 Kendra's Law and Mark's Law. I see how we're

1 looking to give schools money to help them. But
2 I'd like to see the bill split so in good
3 conscience I can continue to vote no on
4 legislation that I believe takes away the rights,
5 constitutional rights of our law-abiding citizens
6 who choose to want to have guns.

7 I will be voting no on this bill.

8 THE PRESIDENT: Thank you, Senator.

9 Any Senators wishing to explain
10 their vote before we close?

11 Seeing none, announce the results.

12 THE SECRETARY: In relation to
13 Calendar Number 1, those recorded in the negative
14 are Senators Ball, Bonacic, DeFrancisco, Farley,
15 Gallivan, Griffio, Larkin, Libous, Little,
16 Marchione, Maziarz, Nozzolio, O'Mara,
17 Ranzenhofer, Ritchie, Robach, Seward and Young.

18 Ayes, 43. Nays, 18.

19 THE PRESIDENT: Bill Number 2230 is
20 passed.

21 Senator Libous.

22 SENATOR LIBOUS: Mr. President,
23 could we have some order in the chamber.

24 THE PRESIDENT: Order in the
25 chamber, please.

1 SENATOR LIBOUS: Thank you,
2 Mr. President.

3 Could we lay aside the remainder of
4 the calendar for the day, please.

5 THE PRESIDENT: So ordered.

6 SENATOR LIBOUS: Is there any other
7 business at the desk?

8 THE PRESIDENT: There is none.

9 SENATOR LIBOUS: Mr. President,
10 there being no further business, I move that we
11 adjourn until Tuesday, January 15th, at
12 11:00 a.m.

13 THE PRESIDENT: On motion, the
14 Senate stands adjourned until Tuesday,
15 January 15, at 11:00 a.m.

16 (Whereupon, at 11:21 p.m., the
17 Senate adjourned.)

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