NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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3:20 p.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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

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

ACTING PRESIDENT GRIFFO: Today's invocation will be offered by the Reverend Kevin Backus, senior pastor of Bible Presbyterian Church in Grand Island.

Reverend Backus.

REVEREND BACKUS: Thank you.

Please join me in a word of prayer.

Gracious God, we pause as more than a symbol to recognize Your lordship in our lives, to ask Your blessing upon the people of this state in general and of this Senate in particular.

May the deliberations that take place this day and throughout the session work for the good of our entire state, set us on a course of truth and justice, set us on a course of peace and safety. And may we have Your

blessing in all that we do.

Those things that we need and that You see are necessary for us, we pray that You would provide through Your son Jesus Christ, for it's in his name we ask it.

Amen.

ACTING PRESIDENT GRIFFO: Thank you, Reverend.

The reading of the Journal.

THE SECRETARY: In Senate, Monday, May 2nd, the Senate met pursuant to adjournment. The Journal of Friday, April 29th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT GRIFFO: Without objection, the Journal will stand 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 of state officers.

Motions and resolutions.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, Mr. President, would you please recognize Senator Stewart-Cousins.

ACTING PRESIDENT GRIFFO: Can we have some order in the house, please.

Senator Stewart-Cousins.

SENATOR STEWART-COUSINS: Thank you, Mr. President.

It's my honor to introduce to this body our newest Senator, Senator Todd Kaminsky.

(Applause.)

SENATOR STEWART-COUSINS: Senator Kaminsky represents the 9th Senate District.

And just so you know a little about him, he has had a career in public service. He spent three years as an assistant district attorney handling domestic violence issues in Queens before he became a federal prosecutor.

He was under the Eastern District U.S. Attorney's Office, Loretta Lynch, who is now, as you know, our U.S. Attorney General. He had successful prosecutions of names that I won't go through, but certainly he comes with a high ideal for this body, a great deal of integrity and intelligence.

After leaving the federal prosecutor's office, he joined the Assembly. And as an Assemblyman, a freshman, he actually had the most bills of any freshman and the fourth most bills of the Assembly's legislative session in his first term.

He's a leader on everything from tax relief and government reform and funding schools -- and again, ethics, which is so important to all of us.

I think, just on a lighter note, he was also named one of City & State's "40 Under 40" Rising Stars.

So we look forward to your star continuing to rise here in this chamber. I know that with your experience, your expertise, your integrity and your intelligence, you will be an asset to this body.

Again, welcome, Senator Kaminsky.

(Applause.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we go back to motions and resolutions.

ACTING PRESIDENT GRIFFO: We will

return to motions and resolutions.

SENATOR DeFRANCISCO: I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause. That's Senate Bill 1149B, Senator O'Mara.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR DeFRANCISCO: Also, I move that the following bill be discharged from its respective committee be recommitted with instructions to strike the enacting clause. It's Senate Bill 5351A, by Senator Young.

ACTING PRESIDENT GRIFFO: So ordered.

SENATOR DeFRANCISCO: I would like to move amendments that are offered to the following Third Reading Calendar bills:

Senate Print 6387A, page 12, Calendar 18, by Senator Martins;

Senate Print 4520A, page 16, Calendar Number 141, Senator Croci;

Senate Print 3365A, page 26, Calendar Number 430, by Senator Golden;

Senate Print 6088, page number 27,

Calendar Number 442, by Senator Little;

Senate Print 4879A, page 33, Calendar Number 527, by Senator Martins;

And finally, Senate Print Number 6603A, page 34, Calendar 535, by Senator Golden.

I move that these bills retain their place on the order of third reading.

ACTING PRESIDENT GRIFFO: The amendments are received and all the bills identified, and the bills shall retain their place on third reading.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Please recognize Senator Valesky.

ACTING PRESIDENT GRIFFO: Senator Valesky.

SENATOR VALESKY: Thank you, Mr. President.

On behalf of Senator Klein, on page 19 I offer the following amendments to Calendar 283, Senate Bill 6466, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT GRIFFO: The amendments are also received, and the bill shall

retain its place on third reading.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Would you recognize Senator Gianaris, please.

ACTING PRESIDENT GRIFFO: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

On behalf of Senator Espaillat, I move to amend Senate Bill 308B by striking out the amendments made on April 18th and restoring it to its previous print number, 308A.

ACTING PRESIDENT GRIFFO: It's so ordered.

SENATOR GIANARIS: And on behalf of Senator Addabbo, on page number 13 I offer the following amendments to Calendar 62, Senate Print 4233B, and ask that said bill retain its place on Third Reading Calendar.

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

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, could we take up previously adopted Resolution 4540, by

Senator Amedore, read the title only, and recognize Senator Amedore.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 4540, by Senator Amedore, congratulating the 2015-2016 University at Albany Women's Basketball Team upon the occasion of capturing the American East Conference Championship, and advancing to the second round of the NCAA Women's Basketball National Tournament.

ACTING PRESIDENT GRIFFO: Senator Amedore.

SENATOR AMEDORE: Thank you, Mr. President. I rise to --

ACTING PRESIDENT GRIFFO: Hold on one second, please.

Could I have some order in the house, please. Thank you.

Senator Amedore.

SENATOR AMEDORE: Mr. President, thank you for allowing me to introduce and congratulate a great team in the Capital Region, the Women's Basketball Team of UAlbany. Myself

and Senator Breslin represent the campus, and we are very proud to welcome them here.

But they are no strangers to the chamber, because just last year it was their first appearance here in their advancement to the NCAA tournament.

But this year they made history with their second year in a row of winning -- actually, their fifth straight American East Conference title and their advancement to the NCAA tournament as the 12th seed. They were able to defeat the Florida Gators, who were the fifth-seeded team in the tournament.

They have been here making history, and we want to congratulate them again today. But it is a little bittersweet, and that is because Coach Abe is not able to be with us -- she has taken on a position at the University of Central Florida -- who has really helped turn the program around, and the team, to be as victorious as they've been in recent years.

But I am very excited and we are graced with the presence of the new coach, Coach Mac, who's from West Virginia, who will continue on the success of the Women's UAlbany

Basketball Team.

So to all of the women, congratulations. Keep up the hard work. And your spirit on the court lives on -- you're winners.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Breslin.

SENATOR BRESLIN: Thank you, Mr. President.

I echo the remarks of Senator Amedore that the University of Albany Women's Basketball Team has set a new standard on the East Coast. Week in, week out, they're among the leaders -- and the last five years, the champions of their conference.

And as Senator Amedore mentioned, their victory over Florida in the NCAA tournament was the pinnacle of now achieving and getting over that threshold. And I think it will continue on in years to come.

And I think Coach Abe did such a remarkable job over the last number of years, but she's being succeeded by a point guard who knows how to take that pass and give that pass out.

And I think Coach Mac will make it a seamless transition. And I know, with the returning veterans, we have the nucleus of another championship team.

I applaud the University of Albany. I applaud their athletic department. And I most importantly applaud the Women's Basketball Team at the University of Albany for, year in, year out, providing residents of the Capital District their entertainment value. And it's a great place to go on any given week.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Breslin.

Senator DeFrancisco.

SENATOR DeFRANCISCO: This is Women's Basketball Week at the Capitol, because tomorrow -- I'm from Syracuse, and we've invited the Syracuse Women's Basketball Team, who also made history this year.

I want to congratulate all of you, and I want to apologize because -- but we'll rectify it next year -- we should have had this on the same day so we could have had a scrimmage outside, so that it will help both of you

advance.

So next year when you both go to the NCAA, I'm sure the Senators from Albany and I will make sure it's the same day. But bring your sneaks, okay?

Congratulations.

ACTING PRESIDENT GRIFFO: The resolution was previously adopted on March 29th of this year.

Senator Amedore has opened the resolution for cosponsorship. Should you choose not to be a cosponsor, please notify the desk.

I want to congratulate and welcome the University at Albany Women's Basketball Team and their coaches. Please rise and be acknowledged.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Thank you.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Thank you, Mr. President.

We have one other resolution. If we could please take up the previously adopted Resolution 3158, by Senator Ritchie, read it in

its entirety, and please recognize Senator Ritchie.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3158, by Senator Ritchie, congratulating the Copenhagen Central School Girls Soccer Team upon the occasion of capturing the Class D New York State Soccer Title.

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

"WHEREAS, It is the intent of this Legislative Body to recognize those young people within our community, who, by achieving outstanding success in athletic competitions, have inspired and brought pride to their school district and community; and

"WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to congratulate the Copenhagen Central School Girls Soccer Team upon the occasion of capturing

the New York State Class D Championship; and

"WHEREAS, Copenhagen won the Class D Championship by shutting out Wheatland-Chili 2-0, at the State University of New York at Cortland on Sunday, November 15, 2015; and

"WHEREAS, The Golden Knights finished the season with an impressive record of 17-4-2, claiming the school's third state title, the first since 1993; and

"WHEREAS, The athletic talent displayed by this team is due in great part to the dedication of their many family, fans, friends, and the community at large, who came out in force to cheer the Copenhagen Golden Knights to victory, and who loyally and enthusiastically supported the team throughout their season; and

"WHEREAS, Athletically and academically, the team members have proven themselves to be an unbeatable combination of talents, reflecting favorably on their school; and

"WHEREAS, It is the custom of this Legislative Body to publicly recognize those high school athletes who have achieved notable success in this great Empire State; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to congratulate the Copenhagen Central School Girls Soccer Team; its members: Mackenzie Wheeler, Maci Spaulding, Emma Roberts, Hope Woodruff, Christie Thomas, Alexis LaBarge, Kat Hansen, Alexandra Greene, Kiersten Hancock, Claire Stackel, Chelsey Hancock, Gabrielle Goutermout, Hailey Tweedy, Sydney Greene, Ashley Gardner, Katie Best, Olivia Carroll, and Ashley Stephens; Team Managers Allison Best, Abbi Carroll, Madalynn Munn, Aubree Smykla and Brooke Smykla; and Head Coach Katherine Stackel, Assistant Coach Logan Spaulding, Athletic Director Scott Connell, and Scorekeeper Renee Eisel, on their outstanding season and overall team record; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the Copenhagen Central School Girls Soccer Team, Head Coach Katherine Stackel, Assistant Coach Logan Spaulding, Athletic Director Scott Connell, and Scorekeeper Renee Eisel."

ACTING PRESIDENT GRIFFO: Senator Ritchie.

SENATOR RITCHIE: Thank you,

Mr. President.

Both Senator Griffo and I would like to welcome and congratulate the Copenhagen Golden Knights on their New York State championship for Class D soccer.

We're so thrilled to have you here today with your coach, Katherine Stackel. You had a really impressive season, with a record of 17-4-2. In the championship game you shut out Wheatland-Chili by 2-0, so that was a pretty great accomplishment.

I think some of my colleagues would be surprised to know, though, that the school has a total, between K through 12, of less than 500 students. So even though it's a great accomplishment overall, when you look at the stats, that's even more impressive.

I know when the girls won the game, there was a nice little media story that I'd like to share with everyone.

So Claire Stackel is a member of the team, and her mom is actually the coach. And apparently there was a birthday party when Claire was 10, and many of the girls on the team were there. So the party had to end early because

they had to go to soccer practice. So apparently when they were leaving, the coach told the girls that when they were 18 they were going to win the state championship.

So fast forward 10 years, and they win the state championship.

So that's a pretty amazing feat. We're all so proud of you. The community is so proud of you, and the North Country as a whole. So to the girls, I hope you had a great day at the Capitol today. We're so proud of you and glad you could be here.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Ritchie.

As indicated, this resolution was previously adopted in January of 2016.

We want to extend our congratulations to the Copenhagen Girls Soccer Team. We want to welcome the Golden Knights and their coaching staff here. Please stand and be recognized, and thank you for being here.

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Senator Ritchie has opened the resolution for

cosponsorship. Should you choose not to be a cosponsor, please notify the desk.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Would you please recognize Senator Ritchie again for an introduction.

ACTING PRESIDENT GRIFFO: Senator Ritchie.

SENATOR RITCHIE: Thank you, Mr. President.

So I'm thrilled to have somebody who had this seat before me here today, former Senator Doug Barclay, who also was an ambassador to El Salvador.

So we're thrilled to have Senator Barclay here today. His are big shoes to fill, and I hope I'm doing okay, Senator. And we're thrilled to have him in the chamber.

Thank you, Mr. President.

(Applause.)

ACTING PRESIDENT GRIFFO: Ambassador, it's a pleasure to have you in the house.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, would

you now take up the noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 140, by Senator Croci, Senate Print 4379A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 2. Senators Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 275, by Senator Carlucci, Senate Print 2704, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This

act shall take effect on the 120th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Carlucci to explain his vote.

SENATOR CARLUCCI: Thank you, Mr. President.

The issue of toll evasion has become a real financial drain on commuters and taxpayers throughout New York State. In fact, this really is not a victimless crime.

What we've seen is that now about $16.5 million a year is being lost to chronic toll evasion. And that's where someone goes through a toll where they know they're not going to pay that toll fee.

And what we've done is allow for, in this legislation, to codify into the state laws that the DMV would be able to work with toll-collecting authorities to suspend someone's vehicle registration if they are a chronic toll evader.

The other very important piece of this legislation is it allows New York State to

enter into interstate agreements to go after chronic toll evaders that may reside outside of New York State.

By passing this legislation, we will be saving New York taxpayers millions of dollars a year to taxpayers and commuters. Let's pass this legislation, get it passed in the Assembly, on the Governor's desk and signed into law.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Carlucci to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 335, by Senator Ranzenhofer, Senate Print 6821, an act to amend the Local Finance Law.

ACTING PRESIDENT GRIFFO: There is a home-rule message present at the desk.

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 383, by Senator Stavisky, Senate Print 3193A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 53. Nays, 5. Senators Hassell-Thompson, Krueger, Montgomery, Perkins and Rivera recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 407, by Senator Farley, Senate Print 4479, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 408, by Senator Ritchie, Senate Print 4892, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 412, by Senator Seward, Senate Print 6955, an act to amend the Highway Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 419, by Senator Boyle, Senate Print 6668, an act to authorize.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 428, by Senator Lanza, Senate Print 2819, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 433, by Senator Lanza, Senate Print 4625, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to

Calendar 433: Ayes, 56. Nays, 2. Senators Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 454, by Senator Marcellino, Senate Print 423, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 455, by Senator Gallivan, Senate Print 430A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 2. Senators Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 460, by Senator Klein, Senate Print 1104, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 11. This act shall take effect on the first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar Number 460, those recorded in the negative are Senators Hamilton, Krueger, Montgomery and Perkins.

Ayes, 54. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

464, by Senator Golden, Senate Print 1457, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: In relation to Calendar 464, those recorded in the negative are Senators Hassell-Thompson, Krueger, Montgomery and Perkins.

Ayes, 54. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 466, by Senator Bonacic, Senate Print 1601, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: In relation to Calendar 466: Ayes, 56. Nays, 2. Senators Espaillat and Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 468, by Senator Griffo, Senate Print 1974A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 468, those recorded in the negative are Senators DeFrancisco --

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: Yes, I just want to make it clear that I have nothing against employees of the Office of Children and Family Services. But this is a no vote that I do on every one of these that gets added to this bill.

Right now it's an assault in the third degree, a misdemeanor, unless the victim is a New York State sanitation worker, a practical nurse, a firefighter, a medical service technician, a medical or related personnel in a hospital emergency room, a city marshal, a school crossing guard, et cetera, et cetera, et cetera.

I think one of these years maybe we'll have a bill that just elevates the assault in the third degree for everybody to assault in the second degree. That's the reason I vote no.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco to be recorded in the negative.

Announce the results.

THE SECRETARY: In relation to Calendar 468, those recorded in the negative are Senators DeFrancisco, Montgomery and Perkins.

Ayes, 55. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 469, by Senator Carlucci, Senate Print 2018, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 2. Senators Montgomery and Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 470, by Senator Flanagan, Senate Print 2055, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 471, by Senator Flanagan, Senate Print 2087, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 476, by Senator Klein, Senate Print 2308, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 5. This

act shall take effect on the first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 479, by Senator Avella, Senate Print 3200, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 480, by Senator Young, Senate Print 3212A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 483, by Senator Lanza, Senate Print 3335, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 60th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57. Nays, 1. Senator Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 486, by Senator Croci, Senate Print 3406, an act

to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 2. Senators Krueger and Perkins recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 488, by Senator Golden, Senate Print 3508, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56. Nays, 2. Senators Montgomery and Perkins recorded in the

negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 493, by Senator Kennedy, Senate Print 4418, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Mr. President.

This legislation at hand has one overarching goal: to strengthen the penalties against those who are found guilty of possessing or promoting child pornography.

Anyone who calls child pornography a victimless crime is either misguided or misinformed. Child pornography inflicts long-lasting psychological damage on its victims,

not only from the trauma of its creation but also as a result of the knowledge that the images are forever circulating on the Internet.

The statistics are alarming. According to the New York State Division of Criminal Justice Services, some studies have shown that up to 40 percent of criminals arrested for possession of child pornography have also personally victimized children, with 15 percent more having attempted to solicit investigators who have posed as children online.

Right now in New York State possession of child pornography is classified as a Class E felony, and the maximum sentence that comes along with that charge is only four years in prison. Through this legislation we're creating a new Class D felony charge for the possession and/or promotion of child pornography if victims involved in the pornography are underneath the age of 13, if it portrays sadistic or masochistic conduct, if there are 600 or more pornographic images found, or if there's an attempt to generate money off of those images.

We wouldn't be moving this legislation forward without the community

standing up and demanding it. We've had a tremendous amount of support from public safety advocates like Buffalo Police Chief of Detectives Dennis Richards, Detective Joe Ahmed from the Buffalo Police Department as well, Cheektowaga Police Lieutenant Ken Rusin and Detective Mike Hockwater. They're on the front lines every single day, helping to keep our communities safe and helping to ensure that victims of child pornography have a better day ahead and that those perpetrators of heinous crime are brought to justice.

Together we're standing together to deliver a strong message that enough is enough, that we're going to never tolerate the sexualization of our children in our communities and we're going to do everything we can as a state to ensure that this heinous crime is dealt with swiftly and abruptly.

Thank you, Mr. President. I vote aye.

ACTING PRESIDENT GRIFFO: Senator Kennedy to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 495, by Senator Nozzolio, Senate Print 4593, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 502, by Senator Marchione, Senate Print 5792A, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Marchione to explain her vote.

SENATOR MARCHIONE: Thank you, Mr. President.

You know that current law only allows victims to be able to speak in court if it's a felony. And today I have up in the gallery -- I'd ask to them to stand up -- the O'Rourkes, Kristine and Conan and their beautiful daughter Emma Grace, for whom this law has been named.

They came to see me probably back in 2012, and it was then that Emma Grace was denied the opportunity to speak at the sentencing of the defendant who injured her father, Conan, after the vehicle was hit by the defendant back in February of 2012. Emma's father suffered serious injuries, including traumatic brain injury, a collapsed lung, a ruptured spleen, broken bones, including several spinal fractures, along with serious head and chest trauma.

Emma, who was 11 years old at the time of the sentencing, wanted to address the court to personally express how this tragedy had affected her and her family. However, since the

driver that hit Mr. O'Rourke pled guilty to a misdemeanor charge of reckless driving and not a felony, Emma was denied an opportunity to address the court.

I can't and I said it at the time, could never understand why a judge who could have said yes to that beautiful young girl with that beautiful smile and give her her day in court said no, but he did.

This law will correct that and allow victims, when a district attorney declares them a victim and the victim has asked to speak, will allow them to speak at a misdemeanor. And I think it's long overdue, and I would ask for your support of this legislation.

And thank you, Mr. President, for allowing me to address the group. Thank you.

ACTING PRESIDENT GRIFFO: Senator Marchione is to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 526, by Senator LaValle, Senate Print 4485, an

act to amend Chapter 399 of the Laws of 2008.

ACTING PRESIDENT GRIFFO: There is a home-rule message at the desk.

The Secretary will read the last section.

THE SECRETARY: Section 3. This act shall take effect on the on the 60th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that completes the noncontroversial reading of today's active-list calendar.

SENATOR DeFRANCISCO: Is there any further business at the desk?

ACTING PRESIDENT GRIFFO: There is no further business at the desk.

SENATOR DeFRANCISCO: There being none, I move to adjourn till Wednesday, May 4th, at 3:00 p.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until

Wednesday, May 4th, at 3:00 p.m.

The Senate stands adjourned.

(Whereupon, at 3:56 p.m., the Senate adjourned.)