

1 NEW YORK STATE SENATE

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3  
4 THE STENOGRAPHIC RECORD

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8  
9 ALBANY, NEW YORK

10 May 16, 2016

11 3:21 p.m.

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13  
14 REGULAR SESSION

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18 LIEUTENANT GOVERNOR KATHLEEN C. HOCHUL, 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 I ask everyone present to please  
5 rise for the Pledge of Allegiance.

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

8 THE PRESIDENT: The Reverend  
9 Cessell Greenidge is with us today to give us  
10 the invocation. He is the pastor of Emmanuel  
11 Pentecostal Church in Brooklyn, New York.

12 Reverend.

13 REVEREND GREENIDGE: Shall we  
14 pray.

15 Eternal and most gracious and  
16 ever-loving Father, we thank You at this hour  
17 and time for life. And we thank You for  
18 bringing us here safely and for this gathering.

19 But I pray, God, even now, that You  
20 will touch life. As I lift up this house before  
21 You, mighty God, and every representative, I  
22 pray, God, that You will bring forth, God, the  
23 vision, O dear God, of Your people, that every  
24 issue, mighty God, laying across the table, You  
25 will bring resolution.

1                   O Father and God, touch the life of  
2     Your people with wisdom, with knowledge, and  
3     with understanding, that at the end of this,  
4     Almighty God, the dream of the State of New York  
5     shall become a reality and men and women, mighty  
6     God, shall rejoice and be glad in You and in  
7     Your salvation.

8                   We thank You even now for what  
9     You're going to do in the life of Your people,  
10    and we bless You in Jesus' mighty name.

11                  Amen.

12                  THE PRESIDENT:    Thank you,  
13    Reverend.

14                  The reading of the Journal.

15                  THE SECRETARY:    In Senate, Sunday,  
16    May 15th, the Senate met pursuant to  
17    adjournment. The Journal of Saturday, May 14th,  
18    was read and approved. On motion, Senate  
19    adjourned.

20                  THE PRESIDENT:    Without objection,  
21    the Journal stands approved as read.

22                  Presentation of petitions.

23                  Messages from the Assembly.

24                  The Secretary will read.

25                  THE SECRETARY:    On page 39,

1 Senator Avella moves to discharge, from the  
2 Committee on Elections, Assembly Bill Number  
3 7817 and substitute it for the identical Senate  
4 Bill 6818, Third Reading Calendar 729.

5 THE PRESIDENT: Substitution so  
6 ordered.

7 Messages from the Governor.

8 Reports of standing committees.

9 Reports of select committees.

10 Communications and reports from  
11 state officers.

12 Motions and resolutions.

13 Senator DeFran.

14 SENATOR DeFRANCISCO: Madam  
15 President, I request that the following bills be  
16 discharged from their respective committees and  
17 be recommitted with instructions to strike the  
18 enacting clause, all by Senator Flanagan:  
19 Senate Numbers 4216, 4217, 4218.

20 THE PRESIDENT: So ordered.

21 SENATOR DeFRANCISCO: I also move  
22 that the following bill by Senator LaValle,  
23 Senate Print 7576, be discharged from its  
24 respective committee and be recommitted with  
25 instructions to strike the enacting clause.

1                   THE PRESIDENT:    So ordered.

2                   SENATOR DeFRANCISCO:    I now wish to  
3 call up Senator LaValle's bill, Number 2926,  
4 recalled from the Assembly, which is now at the  
5 desk.

6                   THE PRESIDENT:    The Secretary will  
7 read.

8                   THE SECRETARY:    Calendar Number  
9 169, by Senator LaValle, Senate Print 2926, an  
10 act in relation to authorizing.

11                   SENATOR DeFRANCISCO:    I now move to  
12 reconsider the vote by which this bill was  
13 passed.

14                   THE PRESIDENT:    Call the roll on  
15 reconsideration.

16                   (The Secretary called the roll.)

17                   THE SECRETARY:    Ayes, 55.

18                   SENATOR DeFRANCISCO:    Madam  
19 President, I now offer the following amendments.

20                   THE PRESIDENT:    The amendments are  
21 accepted, and the bill is restored to its place  
22 on the Third Reading Calendar.

23                   SENATOR DeFRANCISCO:    Next I wish  
24 to call up Senator LaValle's bill, Print 2928,  
25 recalled from the Assembly, which is now at the

1 desk.

2 THE PRESIDENT: The Secretary will  
3 read.

4 THE SECRETARY: Calendar Number  
5 170, by Senator LaValle, Senate Print 2928, an  
6 act in relation to authorizing.

7 SENATOR DeFRANCISCO: I now move to  
8 reconsider the vote by which the bill was passed.

9 THE PRESIDENT: Call the roll on  
10 reconsideration.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 55.

13 THE PRESIDENT: The bill is  
14 restored to its place on the Third Reading  
15 Calendar.

16 SENATOR DeFRANCISCO: I now offer  
17 the following amendments.

18 THE PRESIDENT: The amendments are  
19 received, and the bill retains its place on the  
20 Third Reading Calendar.

21 SENATOR DeFRANCISCO: Next I wish  
22 to call up Senator Croci's bill, Number 3137B,  
23 recalled from the Assembly, which is now at the  
24 desk.

25 THE PRESIDENT: The Secretary will

1 read.

2 THE SECRETARY: Calendar Number  
3 360, by Senator Croci, Senate Print 3137B, an act  
4 to amend the Executive Law.

5 SENATOR DeFRANCISCO: I now move to  
6 reconsider the vote by which this bill was  
7 passed.

8 THE PRESIDENT: Call the roll on  
9 reconsideration.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 55.

12 SENATOR DeFRANCISCO: I now offer  
13 the following amendments.

14 THE PRESIDENT: The amendments are  
15 received, and the bill retains its place on the  
16 Third Reading Calendar.

17 SENATOR DeFRANCISCO: Madam  
18 President, on page 17 I offer the following  
19 amendments to Senator Marcellino's bill,  
20 Calendar Number 225, Senate Print 5795, and ask  
21 that said bill retain its place on the  
22 Third Reading Calendar.

23 THE PRESIDENT: So ordered.

24 SENATOR DeFRANCISCO: Madam  
25 President, on page 19 I offer the following

1 amendments to Senator Ritchie's bill,  
2 Calendar Number 270, Senate Print 6756, and ask  
3 that said bill retain its place on the  
4 Third Reading Calendar.

5 THE PRESIDENT: So ordered.

6 SENATOR DeFRANCISCO: On page 32, I  
7 offer the following amendments to Senator  
8 Ranzenhofer's bill, Calendar Number 637,  
9 Senate Print 6322, and ask that said bill retain  
10 its place on the Third Reading Calendar.

11 THE PRESIDENT: So ordered.

12 SENATOR DeFRANCISCO: And the  
13 following motion is, on page 37, I offer the  
14 following amendments to Calendar Number 714,  
15 Senator Ritchie's bill, Print 6222B, and ask that  
16 said bill retain its place on the Third Reading  
17 Calendar.

18 THE PRESIDENT: So ordered.

19 SENATOR DeFRANCISCO: Madam  
20 President, can we now take up previously adopted  
21 Resolution Number 5144, by Senator Amedore, read  
22 the title only, and call on Senator Amedore.

23 THE PRESIDENT: The Secretary will  
24 read.

25 THE SECRETARY: Legislative



1 Resolution Number 5144, by Senator Amedore,  
2 memorializing Governor Andrew M. Cuomo to  
3 proclaim May 15-21, 2016, as Prevention Week in  
4 New York State, in conjunction with the  
5 observance of National Prevention Week.

6 THE PRESIDENT: Senator Amedore.

7 SENATOR AMEDORE: Thank you, Madam  
8 President.

9 You know, this week is National  
10 Prevention Week, a time for communities to come  
11 together to increase awareness about substance  
12 abuse, problem gambling, mental health issues.  
13 Addiction comes in many shapes, but in one form  
14 or another it touches everyone in every community  
15 throughout the State of New York.

16 Here in New York we are doing  
17 everything possible that we need to do to tackle  
18 the issue of addiction, including the addiction  
19 of heroin and the crisis that we see throughout  
20 the State of New York with this. We are doing  
21 everything we can to make sure that treatment and  
22 recovery services and options are available to  
23 those who need them the most, and the proper  
24 support systems are in place to help those at  
25 risk so they won't relapse.

1                   Of course, prevention and awareness  
2                   are efforts that always are key to eradicating  
3                   any addiction problem. So today we have on the  
4                   Senate chamber floor some of the great  
5                   organizations who are helping throughout all of  
6                   our communities in the prevention efforts. Today  
7                   we have with us, from New York City, the  
8                   Prevention Resource Center. We have BOCES  
9                   Educational Support Services. We have  
10                  Schenectady County Substance Prevention  
11                  Coalition. We have Hamilton-Fulton-Montgomery  
12                  Prevention Council. And we have OASAS.

13                  Some of these groups are doing an  
14                  outstanding job -- or all of these groups are  
15                  doing an outstanding job. And there are so many  
16                  others throughout the state, but I don't think  
17                  that the Senate floor would have been able to  
18                  hold them all.

19                  But if you could all rise so we can  
20                  see who you are and we can congratulate your  
21                  strong effort, your tireless work, and your  
22                  passion and love to help those throughout our  
23                  communities in great need.

24                  Now, this year the theme for  
25                  National Prevention Week is "Strong as one,

1 stronger together." We all know one person can  
2 make a difference in our community -- but when we  
3 all work together in one common purpose, we can  
4 achieve so much more.

5 So thank you so much for all that  
6 you have already achieved and the vision and the  
7 love and the goals that you have to help all of  
8 our constituents who struggle with addiction and  
9 to hopefully prevent them from ever being bound  
10 by it. Thank you all.

11 (Applause.)

12 THE PRESIDENT: Mr. Floor Leader.

13 SENATOR DeFRANCISCO: Yes, could we  
14 please open that resolution up for cosponsorship.

15 THE PRESIDENT: The resolution is  
16 open for cosponsorship. If you do not wish to be  
17 a cosponsor, please notify the desk.

18 SENATOR DeFRANCISCO: Madam  
19 President, can we now introduce Senator Martins  
20 for an introduction of some very important  
21 people.

22 THE PRESIDENT: Senator Martins.

23 SENATOR MARTINS: Thank you, Madam  
24 President.

25 It's my honor to present our Cadet

1 Squadron 288 from Nassau and Suffolk Counties,  
2 members who are here with us today in the  
3 gallery.

4           The Civil Air Patrol serves an  
5 enormously important function. They were formed  
6 right at the beginning of World War II, and  
7 through that period to today, they account for  
8 90 percent of all the inland searches that exist  
9 in our country. An average of 75 people are  
10 saved per year as a result of the Civil Air  
11 Patrol's efforts.

12           But most importantly, Madam  
13 President, I ask you to look up into the gallery  
14 and look at the young men and women who are here  
15 with us today and understand that these are kids  
16 who are in high school. These are volunteers who  
17 are not only working and go along with the Civil  
18 Air Patrols as they patrol the areas on the  
19 coasts of Long Island and areas of New York  
20 State, but they're actively involved in their  
21 local communities.

22           They work hard, they participate,  
23 and at a time when we have so few who volunteer  
24 for anything, how great is it to have a group of  
25 young men and women who not only care but care

1 enough to volunteer and to give of themselves to  
2 help others in an organized way.

3           So we have members who came up  
4 today, they've had the opportunity to tour the  
5 Capitol, to meet with many of our members. But  
6 it is a proud moment for us -- certainly for me  
7 and for my colleagues from Long Island and  
8 throughout New York State -- to recognize these  
9 young men, to thank them for being here.

10           And in particular I want to take the  
11 opportunity to recognize two of these members who  
12 are from my district. I have Cadet Master  
13 Sergeant David Giannitelli and Cadet Master  
14 Sergeant Matthew Ehrlein, who are both here.

15           Gentlemen, thank you very much for  
16 being here. Godspeed. You give us hope that  
17 there are people who are going to put the best  
18 interests of our communities and the country  
19 first and foremost as we go forward. Thanks for  
20 joining us today.

21           Madam President, thank you for the  
22 opportunity. And I know that I have my  
23 colleagues here from Long Island who would  
24 likewise like to recognize members from their  
25 communities as well.

1                   Thank you.

2                   THE PRESIDENT:   Senator Venditto.

3                   SENATOR VENDITTO:   Madam President,  
4   thank you.

5                   I would like to join my Senate  
6   colleagues, of course, in welcoming the members  
7   of the Civil Air Patrol who are joining us today,  
8   and thank them for their service, for their  
9   commitment, for all that they are putting into  
10   what they do.

11                  You know, we're always looking for a  
12   bright spark to associate with our future. And  
13   getting to meet all of you and feel and see that  
14   potential that you have inside, I think we can  
15   all agree that the future of our country is  
16   looking much brighter thanks to the work that you  
17   are doing.

18                  You make us all proud to be  
19   Americans. You certainly make people like me  
20   proud to be elected officials and preside over  
21   the communities which I do.

22                  So again, thank you. Thank you all  
23   for being with us today. I'd be honored to  
24   recognize actually seven of the members of the  
25   Civil Air Patrol who are joining us from the

1 8th Senatorial District. We have Jared Del  
2 Orfano, from Merrick; Ricardo Gomez-Nieto, from  
3 Bellmore; Esther Sherry, from Farmingdale;  
4 Brendan Hondema, from Bellmore; Jacqueline  
5 Rathjen, from Massapequa; Michael Pinna, from  
6 Farmingdale; and Mark Del Orfano, from Merrick.

7           Once again, welcome to the chamber  
8 today. Thank you for the work that you're doing.  
9 May God continue to bless you in that work in the  
10 greatest, most beautiful country in the world,  
11 the United States of America.

12           Thank you, Madam President.

13           THE PRESIDENT: Mr. Floor Leader.

14           SENATOR DeFRANCISCO: Could you  
15 please call on Senator Amedore to introduce  
16 another group of fine people.

17           THE PRESIDENT: Senator Amedore.

18           SENATOR AMEDORE: Thank you, Madam  
19 President.

20           I want to introduce in the chamber,  
21 up in the gallery, a group of visiting students  
22 that drove up from Kingston, New York, today.  
23 And they are a group of students ranging in age  
24 of around 10 to 15 years old, and they are all  
25 home-schooled students who this past year have

1     been learning all about civics. And they're here  
2     today to learn about what's going on and what we  
3     do in state government and to get a tour of this  
4     great building and to see all of us.

5                     And so congratulations for your  
6     field trip coming up. And we've spent some time  
7     talking about some of their vision and goals that  
8     they have in life, and I commend all of you never  
9     to give up. And I hope the very best for you,  
10    because I know your future is very bright.

11                    Thank you.

12                    THE PRESIDENT:    Mr. Floor Leader.

13                    SENATOR DeFRANCISCO:    Yes, thank  
14    you. I believe we've handed up some committee  
15    assignments.

16                    THE PRESIDENT:    The assignments are  
17    received and will be filed with the Journal.

18                    Mr. Floor Leader.

19                    SENATOR DeFRANCISCO:    Madam  
20    President, I'd like to call an immediate meeting  
21    of the Rules Committee in Room 332. Immediate  
22    meeting of Rules, Room 332.

23                    THE PRESIDENT:    Immediate meeting  
24    of the Rules Committee in Room 332 of the  
25    Capitol.



1           The Senate will stand at ease.

2           SENATOR DeFRANCISCO:   We will  
3 remain at ease until we return, and we will  
4 return very shortly if everyone leaves now.

5           Thank you.

6           (Whereupon, the Senate stood at ease  
7 at 3:37 p.m.)

8           (Whereupon, the Senate reconvened at  
9 3:53 p.m.)

10          ACTING PRESIDENT AKSHAR:   Mr. Floor  
11 Leader.

12          SENATOR DeFRANCISCO:   Yes, if we  
13 can return to reports of standing committees.

14          Has the Rules Committee report been  
15 presented to the desk yet?

16          ACTING PRESIDENT AKSHAR:   Yes, it  
17 has.

18          SENATOR DeFRANCISCO:   Would you  
19 read that report, please.

20          ACTING PRESIDENT AKSHAR:   Reports  
21 of standing committees.

22          The Secretary will read.

23          THE SECRETARY:   Senator Flanagan,  
24 from the Committee on Rules, reports the  
25 following bills:

1 Senate Print 631, by Senator  
2 Carlucci, an act to amend the Mental Hygiene Law;  
3 Senate 2346, by Senator Seward, an  
4 act to amend the Tax Law;  
5 Senate 2484A, by Senator Gianaris,  
6 an act to amend the Penal Law;  
7 Senate 2641, by Senator Savino, an  
8 act to amend the Penal Law;  
9 Senate 2787, by Senator Parker, an  
10 act to amend the Public Health Law;  
11 Senate 3458B, by Senator Carlucci,  
12 an act to direct;  
13 Senate 3666, by Senator Savino, an  
14 act to amend the Penal Law;  
15 Senate 3805, by Senator Parker, an  
16 act to amend the Domestic Relations Law;  
17 Senate 5478, by Senator Griffo, an  
18 act to amend Chapter 19 of the Laws of 2014;  
19 Senate 5506A, by Senator Savino, an  
20 act to amend the Personal Property Law;  
21 Senate 5546A, by Senator Funke, an  
22 act to amend the Education Law;  
23 Senate 6248B, by Senator Ortt, an  
24 act to amend the Mental Hygiene Law;  
25 Senate 6317, by Senator DeFrancisco,

1 an act to amend the Criminal Procedure Law;  
2 Senate 6632A, by Senator Croci, an  
3 act to amend the Public Health Law;  
4 Senate 6719, by Senator Murphy, an  
5 act to amend the Public Health Law;  
6 Senate 6962A, by Senator Hannon, an  
7 act to amend the Insurance Law;  
8 Senate 7012, by Senator Ortt, an act  
9 to amend the Penal Law;  
10 Senate 7187, by Senator Young, an  
11 act to amend Chapter 142 of the Laws of 2014;  
12 Senate 7200, by Senator Akshar, an  
13 act to amend the Penal Law;  
14 Senate 7315, by Senator Murphy, an  
15 act to amend the Mental Hygiene Law;  
16 Senate 7317A, by Senator Murphy, an  
17 act to amend the Social Services Law;  
18 Senate 7365, by Senator Akshar, an  
19 act to amend the Public Health Law;  
20 Senate 7397, by Senator Murphy, an  
21 act to amend the Public Health Law;  
22 Senate 7446, by Senator Amedore, an  
23 act to amend the Mental Hygiene Law;  
24 And 7748A, by Senator Carlucci, an  
25 act to amend the Mental Hygiene Law.

1 All bills reported direct to third  
2 reading.

3 ACTING PRESIDENT AKSHAR: Mr. Floor  
4 Leader.

5 SENATOR DeFRANCISCO: Move to  
6 accept the report of the Rules Committee.

7 ACTING PRESIDENT AKSHAR: All in  
8 favor of accepting the report of the Rules  
9 Committee signify by saying aye.

10 (Response of "Aye.")

11 ACTING PRESIDENT AKSHAR: Opposed,  
12 nay.

13 (No response.)

14 ACTING PRESIDENT AKSHAR: The  
15 report is accepted.

16 Mr. Floor Leader.

17 SENATOR DeFRANCISCO: Could we  
18 please return to motions and resolutions and take  
19 up the previously adopted resolution by  
20 Senator Hannon, Number 3831, read the title only,  
21 and call on Senator Hannon.

22 ACTING PRESIDENT AKSHAR: Motions  
23 and resolutions.

24 The Secretary will read.

25 THE SECRETARY: Legislative

1 Resolution Number 3831, by Senator Hannon,  
2 memorializing Governor Andrew M. Cuomo to  
3 proclaim May 2016 as Stroke Awareness Month in  
4 the State of New York.

5 ACTING PRESIDENT AKSHAR: Senator  
6 Hannon.

7 SENATOR HANNON: Thank you,  
8 Mr. President.

9 Today we just wanted to note that  
10 Stroke Awareness Month is this month, the month  
11 of May. Stroke awareness is the fifth leading  
12 cause of death in the United States, killing over  
13 129,000 people each year.

14 We're visited today by members of  
15 the lobbying group for the American Heart  
16 Association, including Bob Elling, who is chair  
17 of their advocacy committee and an EMS advocate  
18 for years, lives here in the Albany area; along  
19 with Dr. Colum Amory, from the Albany Medical  
20 Center, who told us of some exciting new  
21 procedures that are literally 30 times more  
22 efficient in saving people's lives and actually  
23 curing them of the defects of stroke.

24 So that what we're trying to do is  
25 get some awareness for a bill that Senator Murphy

1 is carrying in this house that would lead to that  
2 adoption and improvement on a voluntary basis and  
3 help save lives. And so we just wanted to thank  
4 the people who are advocating for this today.

5 Thank you.

6 ACTING PRESIDENT AKSHAR: Thank  
7 you, Senator.

8 Mr. Floor Leader.

9 SENATOR DeFRANCISCO: Can we please  
10 open this resolution for cosponsorship.

11 ACTING PRESIDENT AKSHAR: The  
12 resolution is open for cosponsorship. If you do  
13 not wish to cosponsor, you should notify the  
14 desk.

15 SENATOR DeFRANCISCO: Thank you.

16 Can we now take up Senator Bonacic's  
17 resolution, Number 4907, read the title only, and  
18 call on Senator Bonacic.

19 ACTING PRESIDENT AKSHAR: The  
20 Secretary will read.

21 THE SECRETARY: Legislative  
22 Resolution Number 4907, by Senator Bonacic,  
23 memorializing Governor Andrew M. Cuomo to  
24 proclaim May 15-17, 2016, as the 81st Annual 4-H  
25 Capital Days in the State of New York.

1                   ACTING PRESIDENT AKSHAR:     Senator  
2     Bonacic.

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

5                   I'm pleased to rise today to report  
6     that I had plenty of young farmers in training  
7     visiting with me from Orange County, Sullivan  
8     County, Delaware County, and Ulster County. And,  
9     you know, we're all striving to keep the  
10    agricultural industry strong and alive in spite  
11    of what our Governor has been doing. And I asked  
12    them, "Do you have an interest in going into  
13    farming?" Because what we're hearing is many of  
14    the younger generation wants to do something else  
15    because it's so difficult farming.

16                  And when we look at our agricultural  
17    industry, for every farmer that's over 75 years  
18    of age, there's one farmer under 30 years of age.  
19    So we know we want to have more farmers. So I  
20    asked them, "Are you interested in staying in  
21    farming?" And I was surprised -- the majority of  
22    them said yes.

23                  And in the 4-H they learn about the  
24    care of animals, they learn responsibility, they  
25    learn a work ethic, they learn respect for the

1 land.

2 And as a result, this resolution is  
3 statewide for all 4-H youth that are in our  
4 districts throughout the state. I'm here to  
5 welcome them and thank them very much for all  
6 that they do within the 4-H community.

7 Thank you, Mr. President.

8 ACTING PRESIDENT AKSHAR: Thank  
9 you, Senator Bonacic.

10 Mr. Floor Leader.

11 SENATOR DeFRANCISCO: Could we  
12 please open that resolution up for cosponsorship.

13 ACTING PRESIDENT AKSHAR: The  
14 resolution is open for cosponsorship. If you do  
15 not wish to be a cosponsor, please notify the  
16 desk.

17 SENATOR DeFRANCISCO: Can you  
18 please now call on Senator Hamilton to introduce  
19 a group of members from the Asian Civilian  
20 Observation Patrol.

21 ACTING PRESIDENT AKSHAR: Senator  
22 Hamilton.

23 SENATOR HAMILTON: Yes,  
24 Mr. President, I rise with pleasure today to  
25 introduce a group of volunteers from the



1 20th Senatorial District in Kings County -- God's  
2 country -- which is one of the most premier  
3 patrol groups in Brooklyn. And it's the Brooklyn  
4 Asian Civilian Observation Patrol.

5           And they do this patrol out of the  
6 goodness of their heart. They don't get paid to  
7 do this. They have long hours in the community,  
8 and they have tours from 7 p.m. to 4 a.m. in the  
9 morning. We have one of the largest growing  
10 immigrant populations from China in our district,  
11 and they are the link between the police  
12 department and the Asian community.

13           And I want to thank all my brothers  
14 up there -- ni hao ma -- and to Captain Louie Lou  
15 for doing a phenomenal job in the community.  
16 Every time we have an event, they're always there  
17 in the park, they're always there on the street.  
18 And they patrol the street. And they don't have  
19 guns, but they apprehend criminals.

20           And they have one of the quickest  
21 response times of any local civilian patrol.  
22 Within one minute -- no, one hour -- no, one  
23 minute, sorry, one minute of them making a call  
24 to the precincts -- they actually work with five  
25 precincts in Brooklyn. And within a minute of

1     them making a telephone call, they have  
2     coordinated and synchronized with the NYPD to  
3     apprehend people.

4                 So I just commend them for putting  
5     their lives on the line to protect us, to keep us  
6     safe, and for doing a great job.

7                 And we just want to congratulate you  
8     on keep doing the hard work that you're doing in  
9     the community, and we thank you for that. Xie  
10    xie.

11                (Applause.)

12                ACTING PRESIDENT AKSHAR:    Thank  
13    you, Senator Hamilton.

14                Mr. Floor Leader.

15                SENATOR DeFRANCISCO:    Yes, would  
16    you now take up the noncontroversial reading of  
17    the calendar.

18                ACTING PRESIDENT AKSHAR:    The  
19    Secretary will read.

20                THE SECRETARY:    Calendar Number 62,  
21    by Senator Addabbo, Senate Print 4233C, an act to  
22    amend the Education Law.

23                ACTING PRESIDENT AKSHAR:    Read the  
24    last section.

25                THE SECRETARY:    Section 2. This

1 act shall take effect on the first of July.

2 ACTING PRESIDENT AKSHAR: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT AKSHAR: Announce  
6 the result.

7 THE SECRETARY: Ayes, 59.

8 ACTING PRESIDENT AKSHAR: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 226, by Senator Marcellino, Senate Print 6514, an  
12 act to amend the Education Law.

13 ACTING PRESIDENT AKSHAR: Read the  
14 last section.

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

17 ACTING PRESIDENT AKSHAR: Call the  
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT AKSHAR: Announce  
21 the result.

22 THE SECRETARY: Ayes, 59.

23 ACTING PRESIDENT AKSHAR: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1     301, by Senator Klein, Senate Print 1356, an act  
2     to amend the Penal Law.

3             ACTING PRESIDENT AKSHAR:    Read the  
4     last section.

5             THE SECRETARY:    Section 6.   This  
6     act shall take effect on the first of November.

7             ACTING PRESIDENT AKSHAR:    Call the  
8     roll.

9             (The Secretary called the roll.)

10            ACTING PRESIDENT AKSHAR:    Announce  
11     the result.

12            THE SECRETARY:    In relation to  
13     Calendar Number 301, those recorded in the  
14     negative are Senators Comrie, Hamilton,  
15     Hassell-Thompson, Hoylman, Krueger, Montgomery,  
16     Perkins, Persaud, Rivera, Sanders and Squadron.

17            Ayes, 48.   Nays, 11.

18            ACTING PRESIDENT AKSHAR:    The bill  
19     is passed.

20            THE SECRETARY:    Calendar Number  
21     372, by Senator Comrie, Senate Print 4945, an act  
22     to amend the Agriculture and Markets Law.

23            ACTING PRESIDENT AKSHAR:    Read the  
24     last section.

25            THE SECRETARY:    Section 2.   This

1 act shall take effect immediately.

2 ACTING PRESIDENT AKSHAR: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 59.

6 ACTING PRESIDENT AKSHAR: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 378, by Senator Marcellino, Senate Print 422, an  
10 act to amend the Penal Law.

11 ACTING PRESIDENT AKSHAR: Read the  
12 last section.

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

15 ACTING PRESIDENT AKSHAR: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT AKSHAR: Announce  
19 the results.

20 THE SECRETARY: In relation to  
21 Calendar 378, those recorded in the negative are  
22 Senators Comrie, Dilan, Gianaris, Hamilton,  
23 Hoylman, Krueger, Montgomery, Parker, Peralta,  
24 Perkins, Persaud, Rivera, Serrano and Squadron.

25 Ayes, 45. Nays, 14.

1                   ACTING PRESIDENT AKSHAR:    The bill  
2   is passed.

3                   THE SECRETARY:    Calendar Number  
4   427, by Senator Griffo, Senate Print 2720, an act  
5   to amend the Penal Law.

6                   ACTING PRESIDENT AKSHAR:    Read the  
7   last section.

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

10                  ACTING PRESIDENT AKSHAR:    Call the  
11   roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT AKSHAR:    Announce  
14   the result.

15                  THE SECRETARY:    In relation to  
16   Calendar 427, those recorded in the negative are  
17   Senators Comrie, Dilan, Hassell-Thompson,  
18   Hoylman, Krueger, Montgomery, Parker, Perkins,  
19   Persaud, Rivera, Sanders, Serrano and Squadron.  
20   Also Senator Montgomery.   Also Senator Peralta.

21                  Ayes, 44.   Nays, 15.

22                  ACTING PRESIDENT AKSHAR:    The bill  
23   is passed.

24                  THE SECRETARY:    Calendar Number  
25   442, by Senator Little, Senate Print 6088A, an

1 act to amend the Correction Law.

2 ACTING PRESIDENT AKSHAR: Read the  
3 last section.

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

6 ACTING PRESIDENT AKSHAR: Call the  
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT AKSHAR: Announce  
10 the result.

11 THE SECRETARY: Ayes, 58. Nays, 1.  
12 Senator Comrie recorded in the negative.

13 ACTING PRESIDENT AKSHAR: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 443, by Senator Farley, Senate Print 6849, an act  
17 to amend the Correction Law.

18 ACTING PRESIDENT AKSHAR: Read the  
19 last section.

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

22 ACTING PRESIDENT AKSHAR: Call the  
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT AKSHAR: Announce

1 the result.

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

5 ACTING PRESIDENT AKSHAR: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 472, by Senator LaValle, Senate Print 2099, an  
9 act to amend the Criminal Procedure Law.

10 ACTING PRESIDENT AKSHAR: Read the  
11 last section.

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

14 ACTING PRESIDENT AKSHAR: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: In relation to  
18 Calendar 472, those recorded in the negative are  
19 Senators Comrie, Dilan, Krueger, Montgomery,  
20 Perkins and Rivera. Also Senator Hoylman.

21 Ayes, 52. Nays, 7.

22 ACTING PRESIDENT AKSHAR: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 478, by Senator Ritchie, Senate Print 3104, an



1 act to amend the Criminal Procedure Law.

2 ACTING PRESIDENT AKSHAR: Read the  
3 last section.

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

6 ACTING PRESIDENT AKSHAR: Call the  
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT AKSHAR: Announce  
10 the result.

11 THE SECRETARY: In relation to  
12 Calendar 478, those recorded in the negative are  
13 Senators Dilan, Hoylman, Krueger, Perkins and  
14 Squadron. Also Senator Comrie.

15 Ayes, 53. Nays, 6.

16 ACTING PRESIDENT AKSHAR: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 527, by Senator Martins, Senate Print 4879C, an  
20 act in relation to permitting.

21 ACTING PRESIDENT AKSHAR: Read the  
22 last section.

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

25 ACTING PRESIDENT AKSHAR: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT AKSHAR: Announce  
4 the result.

5 THE SECRETARY: Ayes, 57. Nays, 2.  
6 Senators Bonacic and Larkin recorded in the  
7 negative.

8 ACTING PRESIDENT AKSHAR: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 585, by Senator Lanza, Senate Print 3316A, an act  
12 to amend the Tax Law.

13 ACTING PRESIDENT AKSHAR: Read the  
14 last section.

15 THE SECRETARY: Section 2. This  
16 act shall take effect on the first of April.

17 ACTING PRESIDENT AKSHAR: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: In relation to  
21 Calendar 585, those recorded in the negative are  
22 Senators Dilan, Hamilton, Hoylman, Krueger,  
23 Parker, Perkins, Sanders and Squadron. Also  
24 Senator Montgomery.

25 Ayes, 50. Nays, 9.

1                   ACTING PRESIDENT AKSHAR:    The bill  
2   is passed.

3                   THE SECRETARY:    Calendar Number  
4   604, by Senator Venditto, Senate Print 4778A, an  
5   act to amend the General Business Law.

6                   ACTING PRESIDENT AKSHAR:    Read the  
7   last section.

8                   SENATOR DeFRANCISCO:    Lay the bill  
9   aside for the day.

10                  ACTING PRESIDENT AKSHAR:    The bill  
11   is laid aside for the day.

12                  THE SECRETARY:    Calendar Number  
13   634, by Senator O'Mara, Senate Print 7197, an act  
14   to amend the Environmental Conservation Law.

15                  ACTING PRESIDENT AKSHAR:    Read the  
16   last section.

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

19                  ACTING PRESIDENT AKSHAR:    Call the  
20   roll.

21                         (The Secretary called the roll.)

22                  ACTING PRESIDENT AKSHAR:    Senator  
23   LaValle to explain his vote.

24                  SENATOR LaVALLE:    Mr. President, to  
25   explain my vote.

1                   Within the last 10 months or so, I  
2                   had the opportunity of meeting with the  
3                   fishermen, commercial fishermen out off of  
4                   Dune Road. And one of the things that we talked  
5                   about is the reports that the DEC requests our  
6                   fishermen to fill out.

7                   And I was also informed that this  
8                   information that is supposed to help the DEC set  
9                   size limitations, those are put into a box --  
10                  what the fishermen fill out -- put in a box and  
11                  those boxes are put down in a basement or a  
12                  storehouse without anyone looking at them.

13                  As many of you know, over the years  
14                  I have voted no on these bills dealing with fish  
15                  because it affects the commercial fishermen. And  
16                  it should be based on something -- on some  
17                  science, on some statistics. And at this meeting  
18                  I was like my feet weren't on the ground, and I  
19                  said: "I knew I was right in voting no on those  
20                  bills." Because it was based on nothing, on  
21                  nothing but someone just saying "Well, I think,  
22                  you know, it should be this size or that size."

23                  And so, Senator O'Mara, I -- not  
24                  here.

25                  (Laughter.)

1                   SENATOR LaVALLE:    I just am not  
2   voting no to be indifferent or contrary, but I'm  
3   basing it now on the evidence I had with the  
4   meeting of my commercial fishermen.  So I vote  
5   both no on this bill and the next one.

6                   Mr. President, I vote no.

7                   ACTING PRESIDENT AKSHAR:   Senator  
8   LaValle, you'll be recorded in the negative.

9                   Announce the results.

10                  THE SECRETARY:   Those recorded in  
11   the negative on Calendar 634 are Senators  
12   Hassell-Thompson and LaValle.

13                  Ayes, 57.  Nays, 2.

14                  ACTING PRESIDENT AKSHAR:   The bill  
15   is passed.

16                  THE SECRETARY:   Calendar Number  
17   635, by Senator O'Mara, Senate Print 7222, an act  
18   to amend Chapter 305 of the Laws of 2013.

19                  ACTING PRESIDENT AKSHAR:   Read the  
20   last section.

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

23                  ACTING PRESIDENT AKSHAR:   Call the  
24   roll.

25                  (The Secretary called the roll.)

1                   ACTING PRESIDENT AKSHAR:   Announce  
2   the result.

3                   THE SECRETARY:    Ayes, 57.   Nays, 2.  
4   Senators Hassell-Thompson and LaValle recorded in  
5   the negative.

6                   ACTING PRESIDENT AKSHAR:   The bill  
7   is passed.

8                   THE SECRETARY:    Calendar Number  
9   676, by Senator Golden, Senate Print 783, an act  
10  to amend the Executive Law.

11                  ACTING PRESIDENT AKSHAR:   Read the  
12  last section.

13                  THE SECRETARY:    Section 2.   This  
14  act shall take effect on the first of January.

15                  ACTING PRESIDENT AKSHAR:   Call the  
16  roll.

17                         (The Secretary called the roll.)

18                  ACTING PRESIDENT AKSHAR:   Announce  
19  the result.

20                  THE SECRETARY:    Ayes, 59.

21                  ACTING PRESIDENT AKSHAR:   The bill  
22  is passed.

23                  THE SECRETARY:    Calendar Number  
24  687, by Senator Young, Senate Print 3013, an act  
25  to amend the Tax Law.

1                   ACTING PRESIDENT AKSHAR:    Read the  
2   last section.

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

5                   ACTING PRESIDENT AKSHAR:    Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:    In relation to  
9   Calendar Number 687, those recorded in the  
10   negative are Senators Comrie, Dilan, Gianaris,  
11   Hassell-Thompson, Hoylman, Krueger, Montgomery,  
12   Parker, Perkins, Rivera, Serrano and Squadron.

13                   Ayes, 47.   Nays, 12.

14                   ACTING PRESIDENT AKSHAR:    The bill  
15   is passed.

16                   THE SECRETARY:    Calendar Number  
17   701, by Senator Lanza, Senate Print 7109, an act  
18   to amend Chapter 890 of the Laws of 1982.

19                   ACTING PRESIDENT AKSHAR:    Read the  
20   last section.

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

23                   ACTING PRESIDENT AKSHAR:    Call the  
24   roll.

25                   (The Secretary called the roll.)

1                   ACTING PRESIDENT AKSHAR:   Announce  
2   the result.

3                   THE SECRETARY:    Ayes, 59.

4                   ACTING PRESIDENT AKSHAR:   The bill  
5   is passed.

6                   THE SECRETARY:    Calendar Number  
7   704, by Senator Lanza, Senate Print 7332, an act  
8   to amend Chapter 306 of the Laws of 2011.

9                   ACTING PRESIDENT AKSHAR:   Read the  
10   last section.

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

13                   ACTING PRESIDENT AKSHAR:   Call the  
14   roll.

15                   (The Secretary called the roll.)

16                   ACTING PRESIDENT AKSHAR:   Announce  
17   the results.

18                   THE SECRETARY:    Ayes, 59.

19                   ACTING PRESIDENT AKSHAR:   The bill  
20   is passed.

21                   THE SECRETARY:    Calendar Number  
22   711, by Senator Robach, Senate Print 1963, an act  
23   to amend the Correction Law.

24                   SENATOR GIANARIS:   Lay it aside.

25                   ACTING PRESIDENT AKSHAR:   The bill



1 is laid aside.

2 THE SECRETARY: Calendar Number  
3 717, by Senator Young, Senate Print 6259, an act  
4 to amend the Real Property Actions and  
5 Proceedings Law.

6 ACTING PRESIDENT AKSHAR: Read the  
7 last section.

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

10 ACTING PRESIDENT AKSHAR: Call the  
11 roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT AKSHAR: Announce  
14 the result.

15 THE SECRETARY: Ayes, 58. Nays, 1.  
16 Senator Perkins recorded in the negative.

17 ACTING PRESIDENT AKSHAR: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 718, by Senator Lanza, Senate Print 2544, an act  
21 to amend the Not-For-Profit Corporation Law.

22 ACTING PRESIDENT AKSHAR: Read the  
23 last section.

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

1                   ACTING PRESIDENT AKSHAR:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 59.

5                   ACTING PRESIDENT AKSHAR:    The bill  
6   is passed.

7                   THE SECRETARY:    Calendar Number  
8   719, by Senator Lanza, Senate Print 3391, an act  
9   to amend Chapter 47 of the Laws of 1931.

10                  ACTING PRESIDENT AKSHAR:    Read the  
11   last section.

12                  THE SECRETARY:    Section 2.  This  
13   act shall take effect upon the enactment into  
14   law.

15                  ACTING PRESIDENT AKSHAR:    Call the  
16   roll.

17                  (The Secretary called the roll.)

18                  THE SECRETARY:    Ayes, 59.

19                  ACTING PRESIDENT AKSHAR:    The bill  
20   is passed.

21                  THE SECRETARY:    Calendar Number  
22   729, substituted earlier by Member of the  
23   Assembly Cusick, Assembly Print 7817, an act to  
24   amend the Election Law.

25                  ACTING PRESIDENT AKSHAR:    Read the

1 last section.

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

4 ACTING PRESIDENT AKSHAR: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 59.

8 ACTING PRESIDENT AKSHAR: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 730, by Senator Savino, Senate Print 6833A, an  
12 act to amend the Election Law.

13 ACTING PRESIDENT AKSHAR: Read the  
14 last section.

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

17 ACTING PRESIDENT AKSHAR: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 57. Nays, 2.  
21 Senators Croci and DeFrancisco recorded in the  
22 negative.

23 ACTING PRESIDENT AKSHAR: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 739, by Senator Gallivan, Senate Print 6309, an  
2 act to authorize.

3 ACTING PRESIDENT AKSHAR: There is  
4 a home-rule message at the desk.

5 The Secretary will read.

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

8 ACTING PRESIDENT AKSHAR: Call the  
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 59.

12 ACTING PRESIDENT AKSHAR: The bill  
13 is passed.

14 Mr. Floor Leader, that completes the  
15 noncontroversial reading of the calendar.

16 SENATOR DeFRANCISCO: Would you  
17 please take up the controversial reading.

18 ACTING PRESIDENT AKSHAR: The  
19 Secretary will ring the bell.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number  
22 711, by Senator Robach, Senate Print 1963, an act  
23 to amend the Correction Law.

24 ACTING PRESIDENT AKSHAR: Senator  
25 Sanders.

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

3                   Will the sponsor yield to a  
4   question?

5                   ACTING PRESIDENT AKSHAR:   Will you  
6   yield to a question?

7                   SENATOR ROBACH:    I certainly will.

8                   SENATOR SANDERS:    It's common  
9   knowledge that good time credit in prison reduces  
10   infractions in prison and therefore reduces  
11   violence, and that some of the major people who  
12   are behind good time are actually the prison  
13   unions.

14                   I'm trying to find why this bill --  
15   why would we get rid of or hurt that system which  
16   is helping to reduce the violence in prison?  
17   Some have said, of course, that it has to do with  
18   keeping bodies in prison so that the prisons  
19   can -- so that they can keep jobs. I refuse to  
20   believe that that's the reason for this. There  
21   must be some more.

22                   So I'm asking the sponsor if he  
23   would give me a reason for this.

24                   Thank you, Mr. President.

25                   SENATOR ROBACH:    Absolutely,

1 Senator Sanders. And good question.

2           You are right in your remarks. This  
3 has nothing to do with employment but really has  
4 come from several high-profile cases directly in  
5 Monroe County, but we know it's going on all  
6 across the state.

7           Where we do think time should be off  
8 for good behavior, but it should start at  
9 100 percent of your time and live up to what the  
10 Department of Corrections says, which is that  
11 just for violent felons, that every violent  
12 felon -- and I quote right from DOCCS's press  
13 release -- does 80 percent of their time  
14 100 percent of the time. That is absolutely a  
15 falsehood.

16           We have had very violent predicate  
17 felons released into my community at 60 percent,  
18 50 percent of their time, who have gone out and  
19 killed and revictimized more people. And these  
20 are the most violent of violent offenders.

21           So while I'd like them to be  
22 eligible for some good time, I believe it is a  
23 statement of criminal justice to stop more  
24 recidivism, to make less victims as well as be  
25 fair to those families and those who have already

1       been victimized.

2                   These people should be doing  
3       80 percent of their time, which ironically is  
4       what people in state government who run these  
5       facilities are saying they're doing now. But we  
6       know from activities, murders, additional rapes,  
7       that's actually not being utilized while it's  
8       being talked about.

9                   This bill would put into statute  
10      what they're saying they're doing, by their own  
11      words and actions. And I think this would be a  
12      very good bill. This is not about whether jail  
13      is good or bad. This is the most violent people  
14      and should they serve 80 percent of their  
15      sentence, which has been suggested, will that  
16      lead to more incarceration at will. But what it  
17      will lead to more is a fairer system and less  
18      people being victimized.

19                  This isn't Rockefeller drug laws,  
20      this isn't nonviolent felons. This is violent  
21      felons, oftentimes predicate felons. And I don't  
22      want to give you too lengthy of an answer. I  
23      would have liked to make this bill even bigger.

24                  One case in Rochester where they  
25      had -- an already previous shooter got stopped,

1 they didn't revoke his parole. Six days later he  
2 shot six people, one of whom died -- which wasn't  
3 the person he was trying to kill -- in a very  
4 good nice establishment where people were there,  
5 most of them, to listen to music, have a good  
6 time and relax.

7               So the purpose of this really is to  
8 balance the scales of justice back to a little  
9 more fairness for our most violent. And again, I  
10 think there's so much frustration from victims'  
11 rights groups, people at every level of  
12 government, because they keep being told that  
13 we're imagining this because, again, it's being  
14 told to them that 100 percent of the time  
15 80 percent of the time is being done for violent  
16 felons. That's just not the case.

17               We want to put it into statute so  
18 there can be a little iron in the words they're  
19 saying and that really can occur.

20               SENATOR SANDERS: Will the sponsor  
21 yield for a question?

22               ACTING PRESIDENT AKSHAR: Senator  
23 Robach, do you continue to yield?

24               SENATOR ROBACH: I will.

25               SENATOR SANDERS: Has the sponsor



1 done any type of study on -- everything we do has  
2 a positive and a negative. Have you weighed to  
3 see getting rid of good time, will that do more  
4 damage than this?

5 I agree with you some of these  
6 crimes are horrendous, and we need to do  
7 something about it.

8 SENATOR ROBACH: This would simply  
9 say -- I haven't done any research other than to  
10 work with the community, victims, and pay  
11 attention to what's going on.

12 All's this says is good time won't  
13 start till 80 percent of the time. I can tell  
14 you what research I've done is people don't care  
15 how good people are in jail or what model inmate  
16 they are when they're let out at 50 percent of  
17 their sentence, after they've already killed one  
18 person, and now kill a number of others.

19 The only way I can say it, Senator  
20 Sanders, is this. No one knows what somebody is  
21 going to do the first time, regardless of what  
22 the motivation is. But as a system, we do have  
23 to take some responsibility for what we do the  
24 second time.

25 And I would even go further to say

1 in my book, in my estimation, I would think many  
2 of the sentences these people get, considering  
3 the havoc they've wreaked on families,  
4 communities, sometimes whole neighborhoods, I  
5 think their sentences are too short to begin  
6 with. But then to compound that and let them out  
7 at half the time and let good behavior or other  
8 things kick in -- I almost think it's the  
9 opposite. I think that there's a little quota  
10 going on that we're letting out some violent  
11 people for the first time so we can let a certain  
12 amount of people out to save money at the expense  
13 of public safety. And I think that's a bad  
14 mistake.

15           So again, this really would say --  
16 not take away any of the things you're talking  
17 about, but say for our most violent predicate  
18 felons, that won't kick in until they've served  
19 80 percent of their time before they can become  
20 eligible for those programs.

21           And we've done bills like this  
22 before. We've had some inmates who are in life  
23 for multiple life sentences in a family  
24 reunification program. Why spend the tax  
25 dollars, why do you do that when they're never

1 getting out? To me, this is just another one of  
2 those.

3 The punishment has to fit the crime.  
4 But more importantly, it's our job, the second  
5 time around, to make sure we can save the public.  
6 We're trying to strike that right balance and  
7 make sure no one gets victimized again to the  
8 best of our ability.

9 SENATOR SANDERS: I thank the  
10 sponsor.

11 Mr. President, I believe that the  
12 sponsor's ideas are quite fitting in one sense.  
13 I share the --

14 ACTING PRESIDENT AKSHAR: Are you  
15 on the bill, Senator Sanders?

16 SENATOR SANDERS: On the bill. I'm  
17 sorry, on the bill.

18 I share the outrage of the sponsor  
19 on many of these points. However, I think that  
20 we're going to make the prison guard situation  
21 even more dangerous. Good time is one of their  
22 main inducements that they use to make sure that  
23 people behave themselves in prison.

24 I think that that and, while we may  
25 stop one or two, I think that we're making it

1 more dangerous for hundreds more. So under those  
2 conditions, I'm going to vote no on this one,  
3 sir.

4 Thank you, Mr. President.

5 ACTING PRESIDENT AKSHAR: Senator  
6 Sanders to be recorded in the negative.

7 Are there any other members wishing  
8 to be heard?

9 Seeing none, the debate is closed.  
10 The Secretary will ring the bell.

11 Read the last section.

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

14 ACTING PRESIDENT AKSHAR: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT AKSHAR: Senator  
18 Montgomery to explain her vote.

19 SENATOR MONTGOMERY: Yes, thank  
20 you, Mr. President. I just want to explain my  
21 vote.

22 I will be voting no on this bill.  
23 And I just want to remind Senator Robach that  
24 there is already in place a major rationale for  
25 keeping people in prison far beyond the time that

1 they would ordinarily be eligible for parole, and  
2 that is the use of -- the excuse of instant  
3 offense. So your bill just adds one more layer  
4 to that issue and denies people who would  
5 otherwise be eligible for parole.

6 And I also want to just remind my  
7 colleagues that the fact of the matter is most of  
8 the people who are admitted into prison, who come  
9 into prison in any given year right now are  
10 people who violated technical parole issues.  
11 They did not commit new crimes.

12 So we have now created in our state  
13 a problem with recidivism that is not related to  
14 new crimes but is related to people who are  
15 returned to prison because of so-called technical  
16 violations. That is a statistic that comes from  
17 the Department of Corrections themselves.

18 So I am going to vote no on this  
19 legislation because I do not believe it addresses  
20 the issue that you may be trying to talk about,  
21 using instances outside of the prison to come up  
22 with an excuse for denying people -- one more  
23 excuse for denying people parole when they should  
24 actually ordinarily be eligible for it.

25 So I vote no, Mr. President.

1                   ACTING PRESIDENT AKSHAR:    Senator  
2   Montgomery to be recorded in the negative.

3                   Announce the result.

4                   THE SECRETARY:    In relation to  
5   Calendar 711, those recorded in the negative are  
6   Senators Comrie, Dilan, Gianaris, Hamilton,  
7   Hassell-Thompson, Hoylman, Krueger, Montgomery,  
8   Parker, Perkins, Rivera, Sanders, Squadron and  
9   Stavisky.

10                  Absent from voting:   Senators  
11   Espaillat, Larkin, Marchione, Panepinto and  
12   Savino.

13                  Ayes, 40.   Nays, 14.

14                  ACTING PRESIDENT AKSHAR:    The bill  
15   is passed.

16                  Floor Leader, that completes the  
17   controversial reading of the calendar.

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

20                  ACTING PRESIDENT AKSHAR:    There is  
21   not.

22                  SENATOR DeFRANCISCO:    There being  
23   none, I move to adjourn until tomorrow, Tuesday,  
24   May 17th, at 3:00 p.m.

25                  ACTING PRESIDENT AKSHAR:    On

1 motion, the Senate stands adjourned until  
2 Tuesday, May 17th, at 3:00 p.m.

3 (Whereupon, at 4:34 p.m., the Senate  
4 adjourned.)

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