

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 5, 2018

11 4:27 p.m.

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14 REGULAR SESSION

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18 SENATOR JOSEPH GRIFFO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

2 ACTING PRESIDENT GRIFFO: The
3 Senate will come to order.

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

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

9 ACTING PRESIDENT GRIFFO: In the
10 absence of clergy, I ask all present to please
11 join in a moment of silent reflection and/or
12 prayer.

13 (Whereupon, the assemblage
14 respected a moment of silence.)

15 ACTING PRESIDENT GRIFFO: The
16 reading of the Journal.

17 THE SECRETARY: In Senate, Sunday,
18 March 4th, the Senate met pursuant to
19 adjournment. The Journal of Saturday,
20 March 3rd, was read and approved. On motion,
21 Senate adjourned.

22 ACTING PRESIDENT GRIFFO: Without
23 objection, the Journal will stand approved as
24 read.

25 Presentation of petitions.

1 Messages from the Assembly.
2 Messages from the Governor.
3 Reports of standing committees.
4 Reports of select committees.
5 Communications and reports from
6 state officers.

7 Motions and resolutions.

8 Senator DeFrancisco.

9 SENATOR DeFRANCISCO: Yes,
10 Mr. President, on page 17 I offer the following
11 amendments to Calendar 227, Senate Bill 2168, by
12 Senator Serino, and ask that said bill retain
13 its place on the Third Reading Calendar.

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

17 SENATOR DeFRANCISCO: On page 32,
18 I offer the following amendments to Calendar
19 399, Senate Print 7418, by Senator Griffio, and
20 ask that the bill retain its place on the Third
21 Reading Calendar.

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

25 SENATOR DeFRANCISCO: On page 43,

1 I offer the following amendments to
2 Calendar 514, Senate Print 2599A, by
3 Senator Lanza, and ask that said bill retain its
4 place on the Third Reading Calendar.

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

8 SENATOR DeFRANCISCO: I now move
9 to amend Senate Bill 4819B by striking out the
10 amendments made on February 27, 2018, and
11 restoring it to its previous print number,
12 4819A. That's by Senator LaValle.

13 ACTING PRESIDENT GRIFFO: It is so
14 ordered.

15 Senator DeFrancisco.

16 SENATOR DeFRANCISCO: Yes, would
17 you please recognize Senator Croci.

18 ACTING PRESIDENT GRIFFO: Senator
19 Croci.

20 SENATOR CROCI: Thank you,
21 Mr. President. And thank you to my --

22 ACTING PRESIDENT GRIFFO: Senator
23 Croci, excuse me.

24 Could we have some order in the
25 house, please.

1 Senator Croci.

2 SENATOR CROCI: Again,
3 Mr. President, thank you for this opportunity.
4 I'd like to make a brief introduction.

5 I normally do not make introductions
6 on the floor, but we have a group who have come
7 up from Long Island, New York. And it's an
8 example of when government can follow what the
9 community is doing, when government wants to be a
10 part of a movement that started at the
11 grassroots.

12 And particularly when it comes to
13 protecting our environment and our vital water
14 resources on Long Island, I am proud to have with
15 us in the chamber today the Lake Ronkonkoma
16 Improvement Group, who are made up of men and
17 women in our community who decided to take a
18 treasure, something that the Vanderbilts
19 themselves built Motor Parkway to get to, Lake
20 Ronkonkoma.

21 And as the water started to recede,
22 we noticed that there was a tremendous amount of
23 debris in the lake. We noticed the stormwater
24 runoff polluting a place where Greta Garbo and
25 Jackie Gleason and movie stars for three

1 centuries -- two centuries have been going. It
2 was the predecessor to the Hamptons.

3 And, ladies and gentlemen, we have a
4 group who woke up one morning and decided that
5 they were going to clean up their environment,
6 they weren't going to wait for government to do
7 it. And because they decided to take that
8 initiative, government followed them. Government
9 came to the table with volunteers and resources.

10 They woke up in the morning at
11 6 o'clock before the sun rose in order to make
12 sure that a beautiful part of our environment and
13 our ecosystem on Long Island is protected. It's
14 rare to see this kind of initiative come truly
15 from the grassroots.

16 And I am so proud not only that I
17 know most of them from the community, but that
18 they decided to take an initiative and, like
19 starting a session a few minutes early,
20 government can't always be the answer. It's men
21 and women on the ground who can do it.

22 And I am so proud to have the Lake
23 Ronkonkoma Improvement Group here and all the
24 families that they represent and the hundreds of
25 volunteers that they represent.

1 Mr. President, I hope that you will
2 recognize them because I am so proud to represent
3 the Third Senate district and all of the members
4 in the chamber today.

5 ACTING PRESIDENT GRIFFO: Thank
6 you, Senator Croci.

7 On behalf of Senator Croci and the
8 entire Senate, we welcome the Lake Ronkonkoma
9 Improvement Group here. We sincerely express our
10 appreciation and gratitude for all of your good
11 work. We ask that you please rise and be
12 recognized as we extend the privileges of the
13 house to you.

14 (Standing ovation.)

15 ACTING PRESIDENT GRIFFO: Senator
16 DeFrancisco.

17 SENATOR DeFRANCISCO: Could you
18 please recognize Senator Comrie for a brief
19 introduction.

20 ACTING PRESIDENT GRIFFO: Senator
21 Comrie.

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

24 I want to rise to acknowledge the
25 presence -- they had to leave because of their

1 bus and timing, but we had 34 students from
2 Pathways College Preparatory School straight out
3 of Hollis, Queens, where hip-hop was created.

4 (Loud reaction from members.)

5 SENATOR COMRIE: No, no. Sorry.
6 Sorry. Sorry, Mr. President. It's a running
7 argument over here.

8 But they were visiting on a college
9 tour. They're here today. They already visited
10 the College of St. Rose and the University at
11 Albany. They're going to Oneonta tomorrow.

12 But they're up here because they are
13 trying to become college students. They're in
14 the Early College Preparatory Program. They
15 benefit from that through the state funding, and
16 I hope that we can continue it.

17 Pathways College Preparatory School
18 is a small school with big dreams. It's linked
19 with the College Board, the non-for-profit group
20 best known as the developer and administrator of
21 the SAT and Advanced Placement courses. All high
22 school seniors are required to take two AP
23 courses; the choices are economics, literature or
24 composition.

25 I'd like to thank the principal,

1 Fia Davis, the adult chaperones, but most of all
2 the students who are investing their time and
3 their future by visiting the institutions of
4 higher learning and taking time to visit us in
5 the chambers today.

6 I want to thank you Josie Maldonado,
7 the parent and program coordinator, and all of
8 their guidance counselors for being here today.
9 I just had a great discussion with them. They
10 are truly concerned about the ability to make
11 sure that the credits that they're taking now --
12 some of them have already gotten up to 18 college
13 credits to attend schools in New York. And I
14 hope that we can continue these programs that
15 will allow them to also become great young people
16 one day.

17 Thank you, Mr. President.

18 ACTING PRESIDENT GRIFFO: Thank
19 you, Senator Comrie.

20 Let the record reflect that those
21 comments were made in support and recognition of
22 Pathways Early College Prep School. We
23 appreciate their visit and hope they had an
24 enjoyable and a rewarding visit to the Capitol
25 today, and perhaps next time they will bring

1 Run-D.M.C. or the Hollis Boyz with them.

2 Senator DeFrancisco.

3 SENATOR DeFRANCISCO: Thank you,
4 Mr. President. Can we now take up the
5 noncontroversial reading of the calendar.

6 ACTING PRESIDENT GRIFFO: The
7 Secretary will read.

8 THE SECRETARY: Calendar Number 92,
9 by Senator Alcantara, Senate Print 5881B, an act
10 to amend the Administrative Code of the City of
11 New York.

12 ACTING PRESIDENT GRIFFO: Read the
13 last section.

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

16 ACTING PRESIDENT GRIFFO: Call the
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 57.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 211, by Senator Phillips, Senate Print 5974A, an
24 act to amend the Vehicle and Traffic Law.

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

2 THE SECRETARY: Section 2. This
3 act shall take effect on the same date and in the
4 same manner as Chapter 355 of the Laws of 2017.

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 THE SECRETARY: Ayes, 57.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 THE SECRETARY: Calendar Number
12 217, by Senator Young, Senate Print 565, an act
13 to amend the General Business Law.

14 ACTING PRESIDENT GRIFFO: Read the
15 last section.

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

18 ACTING PRESIDENT GRIFFO: Call the
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 55. Nays, 2.
22 Senators Hamilton and Savino recorded in the
23 negative.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 297, by Senator Croci, Senate Print 938, an act
3 to amend the Executive Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

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

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 57.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 352, by Senator Little, Senate Print 2253A, an
16 act to amend the Private Housing Finance Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

19 THE SECRETARY: Section 2. This
20 act shall take effect on the 180th day.

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 57.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 372, by Senator Hannon, Senate Print 6054A, an
4 act to amend the Social Services Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

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

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 57.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 462, by Senator Carlucci, Senate Print 5517, an
17 act to amend the General Business Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 57.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 THE SECRETARY: Calendar Number
4 478, by Senator Valesky, Senate Print 6965, an
5 act to amend the Penal Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 56. Nays, 1.
14 Senator Montgomery recorded in the negative.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 480, by Senator Marcellino, Senate Print 2152, an
19 act to amend the Tax Law.

20 ACTING PRESIDENT GRIFFO: Read the
21 last section.

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

24 ACTING PRESIDENT GRIFFO: Call the
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 57.

3 ACTING PRESIDENT GRIFFO: The bill
4 is passed.

5 THE SECRETARY: Calendar Number
6 490, by Senator Ortt, Senate Print 722, an act to
7 amend the Agriculture and Markets Law.

8 ACTING PRESIDENT GRIFFO: Read the
9 last section.

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

12 ACTING PRESIDENT GRIFFO: Call the
13 roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT GRIFFO: Announce
16 the results.

17 THE SECRETARY: In relation to
18 Calendar 490, those recorded in the negative are
19 Senators Alcantara, Avella, Bailey, Benjamin,
20 Brooks, Carlucci, Comrie, Gianaris, Hamilton,
21 Hoylman, Kaminsky, Kavanagh, Krueger, Peralta,
22 Rivera, Sanders and Serrano.

23 Ayes, 43. Nays, 17.

24 ACTING PRESIDENT GRIFFO: The bill
25 is passed.

1 THE SECRETARY: Calendar Number
2 507, by Senator Ortt, Senate Print 723, an act to
3 amend the Environmental Conservation Law.

4 ACTING PRESIDENT GRIFFO: Read the
5 last section.

6 THE SECRETARY: Section 2. This
7 act shall take effect on the 60th day.

8 ACTING PRESIDENT GRIFFO: Call the
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 60.

12 ACTING PRESIDENT GRIFFO: The bill
13 is passed.

14 THE SECRETARY: Calendar Number
15 508, by Senator Funke, Senate Print 829, an act
16 to amend the Executive Law.

17 ACTING PRESIDENT GRIFFO: Read the
18 last section.

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

21 ACTING PRESIDENT GRIFFO: Call the
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 60.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 THE SECRETARY: Calendar Number
3 512, by Senator Larkin, Senate Print 2390, an act
4 to amend the General Business Law.

5 ACTING PRESIDENT GRIFFO: Read the
6 last section.

7 THE SECRETARY: Section 3. This
8 act shall take effect on the 180th day.

9 ACTING PRESIDENT GRIFFO: Call the
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 60.

13 ACTING PRESIDENT GRIFFO: The bill
14 is passed.

15 THE SECRETARY: Calendar Number
16 513, by Senator Hamilton, Senate Print 2424B, an
17 act to amend the Executive Law.

18 ACTING PRESIDENT GRIFFO: Read the
19 last section.

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

22 ACTING PRESIDENT GRIFFO: Call the
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 60.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 Calendar Number 54 is high and
4 ineligible for consideration today and is laid
5 aside, accordingly, for the day.

6 Senator DeFrancisco, that concludes
7 the noncontroversial reading of today's
8 active-list calendar for March 5th.

9 SENATOR DeFRANCISCO: Yes, I know
10 that, thank you.

11 Could we now have an immediate
12 meeting of the Rules Committee in Room 332.

13 ACTING PRESIDENT GRIFFO: There is
14 an immediate meeting of the Rules Committee in
15 Room 332.

16 SENATOR DeFRANCISCO: Thank you,
17 Mr. President.

18 ACTING PRESIDENT GRIFFO: The
19 Senate stands at ease.

20 (Whereupon, the Senate stood at ease
21 at 4:41 p.m.)

22 (Whereupon, the Senate reconvened at
23 4:57 p.m.)

24 ACTING PRESIDENT GRIFFO: The
25 Senate will come to order.

1 Senator DeFrancisco.

2 SENATOR DeFRANCISCO: Is there a
3 report of the Rules Committee at the desk?

4 ACTING PRESIDENT GRIFFO: There is
5 a report at the desk.

6 The Secretary will read.

7 THE SECRETARY: Senator Flanagan,
8 from the Committee on Rules, reports the
9 following bills:

10 Senate Print 1144A, by Senator
11 Gallivan, an act to amend the Criminal Procedure
12 Law;

13 Senate 2521, by Senator Gallivan, an
14 act to amend the Penal Law;

15 Senate 2881, by Senator Tedisco, an
16 act to amend the Penal Law;

17 Senate 6798A, by Senator Felder, an
18 act to amend the Administrative Code of the City
19 of New York;

20 Senate 7790, by Senator Croci, an
21 act to amend the Education Law;

22 Senate 7791, by Senator Gallivan, an
23 act to amend the Retirement and Social Security
24 Law;

25 Senate 7805, by Senator Croci, an

1 act to amend the Education Law;

2 Senate 7810A, by Senator Gallivan,
3 an act to amend the Education Law;

4 Senate 7811A, by Senator Gallivan,
5 an act to amend the Education Law;

6 Senate 7813A, by Senator Murphy, an
7 act to amend the Penal Law;

8 Senate 7832, by Senator Croci, an
9 act to amend the Education Law;

10 Senate 7838, by Senator Ritchie, an
11 act to amend the Education Law;

12 Senate 7845, by Senator Felder, an
13 act to amend the Education Law;

14 Senate 7846, by Senator Phillips, an
15 act to amend the Education Law; and

16 Senate 7847, by Senator Tedisco, an
17 act to amend the Vehicle and Traffic Law.

18 All bills reported direct to third
19 reading.

20 ACTING PRESIDENT GRIFFO: Senator
21 DeFrancisco.

22 SENATOR DeFRANCISCO: I move to
23 accept the Rules Committee report.

24 ACTING PRESIDENT GRIFFO: There is
25 a motion before the house to accept the Committee

1 on Rules report. All in favor say aye.

2 (Response of "Aye.")

3 ACTING PRESIDENT GRIFFO: Opposed?

4 (No response.)

5 ACTING PRESIDENT GRIFFO: The Rules
6 report is approved and before the house.

7 Senator DeFrancisco.

8 SENATOR DeFRANCISCO: Okay,
9 Mr. President, there's a supplemental calendar,
10 Number 15A. Can we take up Calendar Number 550,
11 please.

12 ACTING PRESIDENT GRIFFO: The
13 Secretary will read from Senate Supplemental
14 Calendar 15A.

15 THE SECRETARY: Calendar Number
16 550, by Senator Gallivan, Senate Print 7810A, an
17 act to amend the Education Law.

18 ACTING PRESIDENT GRIFFO: Senator
19 Gianaris, why do you rise?

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

22 I believe we have an amendment at
23 the desk. I ask that the reading of the
24 amendment be waived and that a handful of our
25 members may be heard on the amendment.

1 ACTING PRESIDENT GRIFFO: Thank
2 you, Senator Gianaris.

3 Upon review of your amendment,
4 pursuant to Rule VII, Section 4(B), I rule it
5 nongermane.

6 SENATOR GIANARIS: I would like to
7 appeal the decision of the chair and ask that
8 Senator Kaminsky be heard first on that appeal.

9 ACTING PRESIDENT GRIFFO: The
10 appeal is so ordered, and Senator Kaminsky will
11 be heard.

12 SENATOR KAMINSKY: Thank you,
13 Mr. President.

14 The current amendment is germane
15 because it's on the exact same topic about who
16 should be carrying firearms in our schools.

17 We are at a turning point in our
18 country, and we should be at one in our state
19 right now, about how we can protect our children
20 and protect our schools from gun violence.

21 Now, right now our president has
22 said he wants to change the federal law and do
23 away with gun-free school zones. That would
24 leave the law in our state open to any school
25 board allowing a classroom teacher to carry a

1 firearm.

2 Arming teachers is dangerous and
3 it's misguided, and we should take up this bill
4 today because it's the exact same thing that the
5 other bills cover and that we need to be dealing
6 with.

7 First of all, it's a complete
8 distraction. Instead of looking at commonsense
9 gun control measures that work, funding real
10 mental health treatment which is so desperately
11 needed in our state, we are window dressing. And
12 yes, school security is important, but guns in
13 our classrooms is dangerous. It's a matter of
14 time before something goes wrong. The answer to
15 our gun problem is not more guns.

16 And if we are able to have guns in
17 our classrooms and that is our means of
18 protection, what do we do about the rest of
19 society -- our supermarkets, our churches and
20 synagogues, our movie theaters? We must do
21 better.

22 While having armed guards in front
23 of schools that we are considering today is
24 certainly a step forward in giving our schools
25 the money they need to have secure technology, we

1 are not adequately getting at this problem. The
2 other bills under consideration -- extreme risk
3 protection orders, better background checks,
4 outlawing bump stocks -- can you believe that's
5 legal in our state? -- as well as funding gun
6 violence research, these are the critical steps
7 we need to take. And together, across the aisle,
8 we could work to make this happen. And all we're
9 asking is to consider and to debate these very
10 commonsense measures.

11 But arming our teachers is a step
12 too far. And if we do nothing in this body,
13 that's what will happen. Our schools will become
14 armed camps. A very wise and respected 10-year
15 superintendent in my school district said the
16 other day: You don't solve problems with more
17 problems. Let's get guns out of our classrooms
18 and take up the real work that must be done.

19 These amendments are germane,
20 Mr. President. Let's consider them and let's do
21 the work the people demand. Thank you.

22 ACTING PRESIDENT GRIFFO: Senator
23 Kavanagh.

24 SENATOR KAVANAGH: Mr. President,
25 I'll be brief. I spoke at length on this topic

1 just a week ago.

2 But again, as much as we would like
3 to think that we can solve these problems in our
4 society by simple steps like having people who
5 ostensibly are going to protect our students and
6 other people who gather in public places, the
7 simple fact is as long as we don't address the
8 underlying problem here, we are going to continue
9 to have violent incidents. And all of the school
10 safety plans and all the security in the world is
11 not going to stop that.

12 We have taken major steps forward in
13 this state to ensure that people who shouldn't
14 have guns are denied those, through the SAFE Act
15 and through other measures. That act, as you
16 know, added background checks that people have to
17 pass in order to legally possess guns in our
18 state.

19 But we have additional steps that we
20 can take that experience has told us work in
21 other states, including the extreme risk
22 protection orders, and we ought to be taking that
23 up. Whatever people think about this proposal
24 that's before us on the main bill, we ought to be
25 taking up steps that will minimize the likelihood

1 that those security officers are facing dangerous
2 people coming to their schools and trying to harm
3 people.

4 So I urge my colleagues to vote
5 against the president's ruling on this and allow
6 this to come to the floor today.

7 ACTING PRESIDENT GRIFFO: Senator
8 Hoylman.

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

11 I urge a vote on these amendments as
12 well.

13 You know, there is a bill that not
14 only I carry to ban bump stocks, but that our
15 friends across the aisle -- Senator Lanza carries
16 it as well. I would argue that that bill should
17 be part of the Republican package on gun safety
18 today, but it's not.

19 Instead we have bills authorizing
20 distinctive license plates; changing the name of
21 lockdown drills to active shooter drills; issuing
22 reports on school counselors and psychologists
23 without any funding behind it; changing the
24 definition of terrorism and creating a mental
25 health services program coordinator.

1 That might be a good press release,
2 it might be an apt slogan, but to me it sounds
3 like something straight out of the NRA policy
4 playbook: Let's divert attention, the public's
5 attention away from the real issue with phoney
6 solutions to a burning problem. And the problem
7 is burning. It's like the house is burning down
8 and we are instead landscaping the yard with the
9 proposals today.

10 Mr. President, there is a website
11 called MassShootingTracker.org. And believe me,
12 it's a sign of the times that such a thing
13 exists. But since last week when we debated the
14 Democratic package of sensible gun laws, there
15 have been five mass shootings -- just since last
16 week. Seven people dead, 15 injured.

17 We have to act now, Mr. President.
18 So it's important that we bring together bills
19 that address these issues -- bills that the
20 president of the United States, a Republican,
21 said he supported -- banning bump stocks, issuing
22 extreme risk protection orders, funding gun
23 safety research, preventing our schoolteachers
24 from carrying arms.

25 I am the father of a second-grader.

1 I love my second-grade teacher. But I don't
2 think she should be carrying a gun. She has
3 enough responsibilities in the classroom looking
4 after my daughter and her 29 other students than
5 to worry about intruders who she is supposed to
6 be aiming and killing, according to proposals
7 coming out of Washington.

8 Mr. President, we need to act today
9 before the mass shootings continue in this
10 country. Thank you.

11 ACTING PRESIDENT GRIFFO: Senator
12 Gianaris.

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

15 Well, I've got to hand it to my
16 Republican colleagues. Last week they promised
17 to take up a series of bills dealing with the
18 crisis of violence in our country without talking
19 about guns. And sure enough, today we have over
20 a dozen bills that they're presenting us that
21 have nothing to do with taking dangerous firearms
22 off our streets and making our kids and our
23 families throughout this country safer.

24 I spent a fair amount of time in the
25 last week just scratching my head and thinking

1 about what is it about the word "gun" or
2 "firearm" that so scares my colleagues that they
3 won't even talk about doing anything to regulate
4 them. It's as if, if the mere word comes out of
5 their mouth, they'll melt.

6 And yet we have over a dozen bills
7 that some of them are good, and we all want to
8 strengthen safety at our schools and protect our
9 kids in any way we can when they're at school,
10 but there's nothing about the underlying problem
11 of gun violence.

12 I said it last week; Senator
13 Kaminsky just said it a while ago. What's going
14 to happen when the next shooting is not in a
15 school but is in a movie theater? Are we going
16 to be back to do 15 bills to protect our movie
17 theaters? Are we going to come back to do
18 another 15 to protect our malls?

19 It was just today that Utica College
20 was on lockdown because of a threat. And yet
21 would anything in these bills that are protecting
22 our schools deal with that?

23 The fact is there's one thing that
24 all these incidents have in common, and that is
25 weapons that should not be in the hands of the

1 perpetrators that are committing these crimes.
2 Why aren't we doing even the basic simple things
3 to deal with that problem?

4 For goodness' sake, let's make sure
5 background checks are actually effectuated when
6 anyone wants to buy a firearm. Why would anyone
7 be against that? Let's make sure bump stocks
8 cannot get in the hands of people who can misuse
9 them -- as if there's any way to properly use
10 them, by the way.

11 It's just something that is horribly
12 upsetting. And then we have Senator Kaminsky who
13 stepped forward with a very sound bill to make
14 sure we have fewer guns, not more, in our schools
15 by prohibiting the arming of teachers in our
16 schools. And in fact there was just an incident
17 a couple of days ago where there was a shooting
18 by a teacher.

19 The fact is guns in more hands means
20 more violence, not less. And until my colleagues
21 figure that out, we're going to keep coming back
22 here talking about the next place you want to
23 harden, until we're under military occupation
24 because there will just be armed guards
25 everywhere in the entire country.

1 Once again, we're putting forward a
2 very -- what should be easy set of proposals to
3 make sure that we genuinely make people safer,
4 and I would hope that my colleagues would agree
5 and not just create more excuses and more
6 diversions, which is what seems to happen every
7 time one of these things occurs.

8 Thank you, Mr. President.

9 ACTING PRESIDENT GRIFFO: I want to
10 remind the house that the vote is on the
11 procedures of the house and the ruling of the
12 chair.

13 All in favor of overruling the
14 ruling of the chair signify by saying aye.

15 SENATOR GIANARIS: Mr. President, a
16 show of hands, please.

17 ACTING PRESIDENT GRIFFO: A show of
18 hands has been requested and so ordered.

19 THE SECRETARY: Ayes, 28.

20 ACTING PRESIDENT GRIFFO: The
21 ruling of the chair stands.

22 Senator DeFrancisco.

23 SENATOR DeFRANCISCO: Could we
24 now --

25 ACTING PRESIDENT GRIFFO: Read the

1 last section.

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

4 ACTING PRESIDENT GRIFFO: Call the
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT GRIFFO: Announce
8 the results.

9 THE SECRETARY: In relation to
10 Calendar 550, those recorded in the negative are
11 Senators Alcantara, Avella, Comrie, Dilan,
12 Hoylman, Klein, Montgomery, Peralta, Rivera,
13 Savino. Also Senator Gianaris. Also Senator
14 Sanders. Also Senator Krueger. Also Senator
15 Kavanagh.

16 ACTING PRESIDENT GRIFFO: The
17 Secretary will reannounce.

18 THE SECRETARY: In relation to
19 Calendar 550, those recorded in the negative are
20 Senators Alcantara, Avella, Benjamin, Comrie,
21 Gianaris, Hamilton, Hoylman, Kavanagh, Klein,
22 Krueger, Montgomery, Peralta, Rivera, Sanders,
23 Savino, Serrano, Stavisky and Stewart-Cousins.
24 Also Senator Bailey.

25 Ayes, 41. Nays, 19.

1 ACTING PRESIDENT GRIFFO: The bill
2 is passed.

3 Senator DeFrancisco.

4 SENATOR DeFRANCISCO: Yes, would
5 you take up the balance of the bills on
6 Supplemental Calendar 15A in regular order,
7 please.

8 ACTING PRESIDENT GRIFFO: The
9 Secretary will read.

10 THE SECRETARY: Calendar Number
11 543, by Senator Gallivan, Senate Print 1144A, an
12 act to amend the Criminal Procedure Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT GRIFFO: Announce
21 the results.

22 THE SECRETARY: In relation to
23 Calendar 543, those recorded in the negative are
24 Senators Alcantara, Bailey, Comrie, Dilan,
25 Hamilton, Hoylman, Kavanagh, Krueger and Rivera.

1 Ayes, 51. Nays, 9.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 544, by Senator Gallivan, Senate Print 2521, an
6 act to amend the Penal Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT GRIFFO: Announce
15 the results.

16 THE SECRETARY: In relation to
17 Calendar 544, those recorded in the negative are
18 Senators Alcantara, Benjamin, Montgomery and
19 Sanders.

20 Ayes, 56. Nays, 4.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 545, by Senator Tedisco, Senate Print 2881, an
25 act to amend the Penal Law.

1 ACTING PRESIDENT GRIFFO: Read the
2 last section.

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

5 ACTING PRESIDENT GRIFFO: Call the
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT GRIFFO: Announce
9 the results.

10 THE SECRETARY: In relation to
11 Calendar 545, those recorded in the negative are
12 Senators Alcantara, Hoylman, Kavanagh, Krueger
13 and Montgomery.

14 Ayes, 55. Nays, 5.

15 ACTING PRESIDENT GRIFFO: The bill
16 is passed.

17 THE SECRETARY: Calendar Number
18 546, by Senator Felder, Senate Print 6798A, an
19 act to amend the Administrative Code of the City
20 of New York.

21 ACTING PRESIDENT GRIFFO: Read the
22 last section.

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

25 ACTING PRESIDENT GRIFFO: Call the

1 roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT GRIFFO: Senator
4 Krueger to explain her vote.

5 SENATOR KRUEGER: Thank you,
6 Mr. President.

7 We've seen this bill before. And I
8 respect Senator Felder's belief that police
9 should be in every school in the City of New
10 York. I know that the NYPD has an enormously
11 fine reputation for knowing where it ought to be
12 and where to best use its resources. So to be
13 honest, if the City of New York and the police
14 commissioner of the City of New York think there
15 needs to be a police officer assigned to any
16 given school or all 1800 to 2,000 schools,
17 apparently they already have the authority to do
18 it.

19 But by our mandating it on them
20 without their having the opportunity to make the
21 decision, we are translating into a decision to
22 have 1800 police officers not be where they are
23 now. And that is a true concern for me and for
24 the constituents of my district and for the
25 parents of children in my schools.

1 So I don't think that we should be
2 micromanaging NYPD or how they distribute their
3 resources, because frankly things are going quite
4 well in the City of New York when it comes to
5 crime and protection of our citizens, and I don't
6 think the State Legislature is in the business of
7 knowing how to second-guess that.

8 I vote no, Mr. President.

9 ACTING PRESIDENT GRIFFO: Senator
10 Krueger to be recorded in the negative.

11 I've asked the members who are
12 voting in the negative to please raise your hands
13 again.

14 And Senator Rivera will explain his
15 vote.

16 SENATOR RIVERA: Thank you,
17 Mr. President.

18 I will be voting in the negative on
19 this piece of legislation for four reasons.

20 First of all, when you're talking
21 about trying to stop shootings in schools, this
22 bill ignores the real threat. The bills that
23 were talked about by some of my colleagues --
24 whether it was background checks, whether it's
25 getting rid of bump stocks, whether it's

1 protective orders, et cetera, all the things that
2 were discussed before, the commonsense pieces of
3 legislation that we tried to do last week and the
4 ones that we tried to do this week -- those are
5 actually dealing with the issue. This does not
6 solve the problem.

7 That's number one. It ignores the
8 real problem.

9 Number two, as my colleague Senator
10 Krueger said, it ignores the fact that there is
11 discretion by the police department right now to
12 be able to assign people where they feel -- or
13 assign some of their officers where they feel
14 there is danger to be had. I know that some of
15 the principals in my district talked to some of
16 the commanding officers in my district, and they
17 keep track of where are potential dangers, and
18 they are assigned, officers are assigned, when
19 they're necessary. So there's discretion from
20 the police department.

21 Number three, when you hear what has
22 happened since the Parkland shootings of last
23 week -- and as a matter of fact, most school
24 shootings in the last couple of years have
25 happened immediately after some of my colleagues

1 across the aisle start talking about things that
2 we need to do in schools -- include more people
3 with guns, give teachers the ability to have
4 weapons, get more metal detectors, et cetera.

5 I think that what you're describing
6 is a prison. That is not what we should be
7 moving towards. We should not be making schools
8 more and more like jails. We should be moving
9 away from that.

10 And number four, because obviously
11 this is something that my colleagues care about
12 across the aisle, the cost of it. According to
13 some calculations, it would cost in the area of
14 \$1.2 billion. And if we talk about these schools
15 in our city or across the state, certainly
16 \$1.2 billion, there's a lot better things that we
17 can do with all of that money.

18 So for all of those reasons -- this
19 is bad policy, it ignores the real threat -- I
20 will be voting in the negative.

21 Thank you, Mr. President.

22 ACTING PRESIDENT GRIFFO: Senator
23 Rivera to be recorded in the negative.

24 Is there any other Senator who
25 wishes to explain their vote?

1 Senator DeFrancisco to explain his
2 vote.

3 SENATOR DeFRANCISCO: Yes. I know
4 there's a big cost to everything. We could
5 probably use these guards out in the front of
6 this building, when we go through the metal
7 detectors -- we could probably use them someplace
8 better than being there protecting people coming
9 into this building.

10 We probably could use police
11 officers that are stationed in other secure areas
12 for better things, like to run after potential
13 criminals. We can use probably our state
14 troopers better than running down to the City of
15 New York when you don't even want them. And --
16 but the Governor believes that's a good idea.

17 Whatever your goal may be, it just
18 seems to me that if there's anybody that ought to
19 be protected, it should be children, rather than
20 leaving them totally defenseless.

21 So this is an excellent bill and I
22 support it wholly. Thank you.

23 ACTING PRESIDENT GRIFFO: Senator
24 DeFrancisco to be recorded in the affirmative.

25 Announce the results.

1 THE SECRETARY: In relation to
2 Calendar 546, those recorded in the negative are
3 Senators Alcantara, Bailey, Benjamin, Breslin,
4 Gianaris, Hoylman, Kavanagh, Krueger, Montgomery,
5 Peralta, Persaud, Rivera and Sanders. Also
6 Senator Dilan.

7 Ayes, 46. Nays, 14.

8 ACTING PRESIDENT GRIFFO: The bill
9 is passed.

10 THE SECRETARY: Calendar Number
11 547, by Senator Croci, Senate Print 7790, an act
12 to amend the Education Law.

13 ACTING PRESIDENT GRIFFO: Read the
14 last section.

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

17 ACTING PRESIDENT GRIFFO: Call the
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 60.

21 ACTING PRESIDENT GRIFFO: The bill
22 is passed.

23 THE SECRETARY: Calendar Number
24 548, by Senator Gallivan, Senate Print 7791, an
25 act to amend the Retirement and Social Security

1 Law.

2 ACTING PRESIDENT GRIFFO: Read the
3 last section.

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

6 ACTING PRESIDENT GRIFFO: Call the
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 60.

10 ACTING PRESIDENT GRIFFO: The bill
11 is passed.

12 THE SECRETARY: Calendar Number
13 549, by Senator Croci, Senate Print 7805, an act
14 to amend the Education Law.

15 ACTING PRESIDENT GRIFFO: Read the
16 last section.

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

19 ACTING PRESIDENT GRIFFO: Call the
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 60.

23 ACTING PRESIDENT GRIFFO: The bill
24 is passed.

25 THE SECRETARY: Calendar Number

1 551, by Senator Gallivan, Senate Print 7811A, an
2 act to amend the Education Law.

3 ACTING PRESIDENT GRIFFO: Read the
4 last section.

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

7 ACTING PRESIDENT GRIFFO: Call the
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT GRIFFO: Announce
11 the results.

12 THE SECRETARY: In relation to
13 Calendar 551, those recorded in the negative are
14 Senators Alcantara, Avella, Benjamin, Comrie,
15 Gianaris, Hamilton, Hoylman, Kavanagh, Klein,
16 Krueger, Montgomery, Peralta, Persaud, Rivera,
17 Sanders, Savino, Serrano and Stewart-Cousins.
18 Also Senator Bailey.

19 Ayes, 41. Nays, 19.

20 ACTING PRESIDENT GRIFFO: The bill
21 is passed.

22 THE SECRETARY: Calendar Number
23 552, by Senator Murphy, Senate Print 7813A, an
24 act to amend the Penal Law.

25 SENATOR GIANARIS: Lay it aside.

1 ACTING PRESIDENT GRIFFO: Lay the
2 bill aside.

3 THE SECRETARY: Calendar Number
4 553, by Senator Croci, Senate Print 7832, an act
5 to amend the Education Law.

6 ACTING PRESIDENT GRIFFO: Read the
7 last section.

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

10 ACTING PRESIDENT GRIFFO: Call the
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT GRIFFO: The bill
15 is passed.

16 THE SECRETARY: Calendar Number
17 554, by Senator Ritchie, Senate Print 7838, an
18 act to amend the Education Law.

19 ACTING PRESIDENT GRIFFO: Read the
20 last section.

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

23 ACTING PRESIDENT GRIFFO: Call the
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 60.

2 ACTING PRESIDENT GRIFFO: The bill
3 is passed.

4 THE SECRETARY: Calendar Number
5 555, by Senator Felder, Senate Print 7845, an act
6 to amend the Education Law.

7 ACTING PRESIDENT GRIFFO: Read the
8 last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 58. Nays, 2.
15 Senators Alcantara and Senator Hoylman recorded
16 in the negative.

17 ACTING PRESIDENT GRIFFO: The bill
18 is passed.

19 THE SECRETARY: Calendar Number
20 556, by Senator Phillips, Senate Print 7846, an
21 act to amend the Education Law.

22 ACTING PRESIDENT GRIFFO: Read the
23 last section.

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

1 ACTING PRESIDENT GRIFFO: Call the
2 roll.

3 (The Secretary called the roll.)

4 THE SECRETARY: Ayes, 60.

5 ACTING PRESIDENT GRIFFO: The bill
6 is passed.

7 THE SECRETARY: Calendar Number
8 557, by Senator Tedisco, Senate Print 7847, an
9 act to amend the Vehicle and Traffic Law.

10 ACTING PRESIDENT GRIFFO: Read the
11 last section.

12 THE SECRETARY: Section 3. This
13 act shall take effect on the 180th day.

14 ACTING PRESIDENT GRIFFO: Call the
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT GRIFFO: Senator
18 Hoylman to explain his vote.

19 SENATOR HOYLMAN: Thank you,
20 Mr. President.

21 I think, almost of all the bills
22 that our colleagues across the aisle have
23 introduced today, this one stands out as the most
24 meaningless. It is to create a distinctive
25 license plate that would cost more money than it

1 brings in, that would label New Yorkers as
2 "Guardians for Schools."

3 It is so harebrained to think that
4 we are actually attempting to address the serious
5 issue of gun violence with a new distinctive
6 license plate that I am compelled to vote no.

7 Thank you, Mr. President.

8 ACTING PRESIDENT GRIFFO: Senator
9 Hoylman to be recorded in the negative.

10 Senator Tedisco to explain his vote.

11 SENATOR TEDISCO: Yeah. Let me
12 say, first and foremost, to my Senator over there
13 and my colleagues, if you have a dictionary in
14 your desk there, go to it, take out the word
15 "hypocrite" in it, and you may see your picture.

16 SENATOR GIANARIS: Mr. President.

17 SENATOR TEDISCO: And the reason
18 for that --

19 SENATOR GIANARIS: Mr. President.

20 ACTING PRESIDENT GRIFFO: Senator
21 Gianaris, why do you rise?

22 SENATOR GIANARIS: We do our best
23 to avoid personal attacks on this floor, and I
24 feel that Senator Tedisco went way too far.

25 ACTING PRESIDENT GRIFFO: There was

1 no personal invective. In that case there is a
2 definition of terms, just as Mr. Hoylman used
3 "harebrained." So I will allow both. And I'd
4 admonish both members to refrain from that
5 activity.

6 SENATOR GIANARIS: Mr. President,
7 Mr. Hoylman was not referring to a specific
8 Senator when he made that claim. So I would ask
9 Mr. Tedisco to walk back his comments, please.

10 ACTING PRESIDENT GRIFFO: Senator
11 Tedisco, please avoid personal invective.
12 Continue.

13 SENATOR TEDISCO: Mr. President, I
14 guess Mr. Gianaris thinks that when we should
15 protect ourselves with a whole variety of
16 security assets, it's good for us but it's not
17 good for the people that you and all of us in
18 this room took an oath of office to not only
19 remove the obstacles before them, not only to
20 create a better quality of life, but provide
21 security for them.

22 You know, my brother worked a lot on
23 something he really loved to do. He loved to be
24 a magician. And every time I'd watch what he was
25 doing, he would misdirect and there was a curtain

1 there and all the magic took place behind the
2 curtain.

3 You guys are the best at
4 misdirection I've ever seen. Look at these shiny
5 little things over here, but don't look behind
6 the curtain at what's really taking place and how
7 it illustrates the hypocrites that you really
8 are.

9 Let's look at what's behind the
10 curtain. First of all, you have schools that are
11 being savaged, and the kids in them. The most
12 porous settings, the highly simplistic areas
13 where people can come in the front doors, the
14 side doors, the back doors.

15 But let's look what else is behind
16 the curtain. When you walk into this building,
17 you are very concerned about your security -- and
18 you should be -- the security of your staff --
19 and you should be -- the security of the people
20 that come into this building where you work and
21 your captive audience is. You know what you run
22 into first? Hundreds and thousands of dollars of
23 metal detectors. That's what this bill is all
24 about.

25 But after you get in the building

1 through those metal detectors -- so if you have a
2 weapon or a bomb or a knife or a gun it's
3 indicated. This bill provides for the
4 opportunity for the 19.5 million people in
5 New York State -- it's called "Guardians for Our
6 Schools" -- to say, hey, I want to invest in our
7 kids in making sure they have the same setting
8 that you have here. You have metal detectors.
9 Why shouldn't we raise money for them to have
10 metal detectors so weapons can't get in the
11 school?

12 But wait a second. Once they go
13 through those metal detectors -- and this is why
14 you really need that dictionary -- what do you
15 walk into after you go past those metal
16 detectors? You walk into armed law enforcement
17 officials with uniforms on who you relish,
18 sitting here, knowing they're not only trained
19 law enforcement officials, they're weaponized in
20 this building -- in the halls, in the hallways
21 and the byways of the legislative offices in the
22 Capitol. You want armed law enforcement
23 officials in this Capitol and in the LOB to
24 protect your butts and our staff members who work
25 hard for us and the people of New York State and

1 the taxpayers who come to -- you're putting your
2 heads down now. You understand what I'm saying.

3 Hypocrites. Shameless. Hypocrites.
4 Shameless. You want armed law enforcement
5 officials in the LOB and the Capitol to protect
6 you, but don't put them in the schools. Keep
7 those behind the curtains. I notice you never
8 got up last week, and you didn't get up today,
9 and say they shouldn't be in schools to protect
10 our kids. Bad ideas, weapons in schools to
11 protect them -- good ideas for you. Good ideas
12 for you, right? Nobody got up on your side.

13 But I'd like for you to look into
14 the camera and tell the people you represent it's
15 bad for us to have these armed law enforcement
16 officials who are professionals.

17 Now, last week your leader made it a
18 point to say it doesn't work, armed law
19 enforcement officials, just doesn't work. Look
20 what happened in Florida. You denigrated the
21 people that put their lives on the line every day
22 for you -- and died doing it because a couple of
23 them didn't do the right thing. I suggest to you
24 that 98 to 99 percent will put their lives on the
25 line when those messages go off here when there

1 is an active shooter, an emergency. They're
2 dying for you. And because one group doesn't do
3 it right, that doesn't mean they don't stand up
4 for us and protect our security.

5 And apparently you do like armed law
6 enforcement officials, because you haven't said a
7 word about getting them out of the Capitol or the
8 LOB when they're protecting you. But wait. It's
9 not good enough to give them to the kids, but
10 it's good enough to have them here for you. Is
11 that --

12 ACTING PRESIDENT GRIFFO: Senator
13 Tedisco.

14 SENATOR TEDISCO: -- what you're
15 trying to say?

16 ACTING PRESIDENT GRIFFO: Senator
17 Tedisco. Five minutes is allotted to the
18 sponsor. You've approached that five minutes.

19 I want to remind the other members
20 who will be explaining votes, two minutes.

21 Senator Tedisco, if you can please
22 conclude.

23 SENATOR TEDISCO: I'd like to
24 extend the time.

25 ACTING PRESIDENT GRIFFO: Cannot

1 give extended time.

2 Senator Tedisco, how would you vote?

3 SENATOR TEDISCO: I want to wrap it
4 up very quickly.

5 ACTING PRESIDENT GRIFFO: Okay.

6 SENATOR TEDISCO: But aside from
7 that, cameras in every hallway, cameras in every
8 room. And most importantly, you get paid by
9 taxpayers, your healthcare -- so does our staff,
10 and that's good. You know what that healthcare
11 also provides? Mental health. When we see that
12 they have thoughts about hurting themselves or
13 others, we provide required counseling for them.

14 Why shouldn't we do that with this
15 bill that provides --

16 ACTING PRESIDENT GRIFFO: Senator
17 DeFrancisco, why do you rise?

18 SENATOR DeFRANCISCO: We have to
19 enforce the rules on this particular --

20 ACTING PRESIDENT GRIFFO: He's got
21 10 seconds left. So that's why I just gave him a
22 warning.

23 SENATOR TEDISCO: My 10 seconds is
24 this. The high-wealth districts, they're already
25 calling my sheriffs and saying, don't worry about

1 funding from the state, we'll pay for it ourself
2 to have it done.

3 ACTING PRESIDENT GRIFFO: Senator
4 Tedisco, how do you vote?

5 SENATOR TEDISCO: The high-need
6 districts need this bill to get the funding to
7 get the security that you get but don't want to
8 give to others. Hypocrite. Shameful.

9 ACTING PRESIDENT GRIFFO: Senator
10 Tedisco, how do you vote?

11 SENATOR TEDISCO: I vote yes.

12 ACTING PRESIDENT GRIFFO: Senator
13 Tedisco to be recorded in the affirmative.

14 Senator Gianaris to explain his
15 vote.

16 SENATOR GIANARIS: Thank you,
17 Mr. President.

18 That's quite an outburst from a
19 colleague that doesn't really seem to be informed
20 of what he speaks.

21 First of all, I'm voting for this
22 bill, so whatever.

23 But it should be noted that Senator
24 Tedisco's answer to the massacres that have been
25 occurring throughout our country is a license

1 plate, a commemorative license plate.

2 So he can scream and yell all he
3 wants on this floor about hypocrisy, but when I
4 see -- the entire point we've trying to make for
5 the last couple of weeks is that we are dealing
6 with children being massacred in their school
7 seats. And the answer is a bill to authorize a
8 distinctive license plate. Can we be any more
9 embarrassed by the proposals coming out on this
10 floor of the Senate?

11 And you want to talk about the LOB
12 and the Capitol? There's no law that requires
13 there to be armed guards there. They are there
14 because law enforcement deems that to be a
15 necessity. Law enforcement today can deem that a
16 necessity in any school in this state and have a
17 presence there.

18 You are trying to mandate it all
19 over the state. And like I said earlier, when
20 you've passed the schools, where are we going
21 next? Where are we going next? Everywhere?
22 Supermarkets? Movie theaters? Malls? Where
23 does it end?

24 The response today by the majority
25 to the gun violence in this country is a thorough

1 and utter embarrassment. There are things in
2 there that are unobjectionable because they're
3 not that effective. So yeah, sure, I'll vote for
4 a distinctive license plate. Sure, why not.
5 While people are walking around in schools with
6 military rifles, let's do a distinctive license
7 plate. I hope it makes you happy at the end of
8 the day, because you're doing nothing to
9 protect our children with this nonsense.

10 I vote yes, Mr. President.

11 (Laughter; sustained reaction.)

12 ACTING PRESIDENT GRIFFO: Senator
13 Gianaris to be recorded in the affirmative.

14 Senator Montgomery to explain her
15 vote.

16 SENATOR MONTGOMERY: Yes, just
17 briefly. I think Senator Gianaris said
18 everything.

19 I didn't for a minute understand
20 what we were debating, what Senator Tedisco was
21 debating. But I find out that it's just that
22 we're voting for a license plate bill.

23 So he called us hypocrites and all
24 these other names, but yes, I'm voting yes for
25 the license plate bill as well. So I vote yes.

1 ACTING PRESIDENT GRIFFO: Senator
2 Montgomery to be recorded in the affirmative.

3 Senator Krueger to explain her vote.

4 SENATOR KRUEGER: So I was going to
5 vote yes for the stupid license plate bill --

6 (Laughter.)

7 SENATOR KRUEGER: -- but I was
8 actually so offended at the sponsor's attacks and
9 his total lack of understanding that we need to
10 get guns out of the hands of people who shouldn't
11 have them -- and that's supposed to be the
12 discussion on the floor, not, as my colleague
13 said, making us an armed camp everywhere or
14 dictating and micromanaging what law enforcement
15 should be doing to protect us.

16 But to argue and insult each other
17 over a license plate bill, really, I can't let it
18 go. I vote no.

19 ACTING PRESIDENT GRIFFO: Senator
20 Krueger in the negative.

21 Senator Comrie to explain his vote.

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

24 I'm voting aye on the stupid license
25 plate bill.

1 (Laughter.)

2 SENATOR COMRIE: I voted aye for
3 Senator Felder's bill.

4 I had to vote no on Senator
5 Gallivan's bills because I just -- at a certain
6 point, you have to draw a line. You have to give
7 law enforcement the authority to make the
8 decision. You have to give law enforcement the
9 ability to make the decisions as to who, how and
10 where we protect each other; who, how and where
11 we give the people a chance to be able to defend
12 themselves.

13 This is all a con. This is all a
14 distraction. This is all an unfortunate -- it's
15 all unfortunate. We should be talking about bump
16 stocks. We should be talking about eliminating
17 assault rifles. There is no need for an assault
18 rifle in this country for anyone that's not a
19 military person. There's no need for a bump
20 stock in this country for anyone that's not a
21 military person. There's no need to have this
22 discussion on any of these bills, because it's
23 not reducing gun violence in our country.

24 They can do it in Norway, they can
25 do it in Scotland, they can do it in other

1 industrialized countries in the world,
2 eliminating gun violence by taking guns off the
3 street, by making sure that the only people that
4 use guns are people that are well-trained.

5 But we're here talking about license
6 plates. We're here talking about whether or not
7 to put people in schools. We're here parsing
8 things that don't need to be parsed. There are
9 real discussions that need to be had to protect
10 our citizens, to make opportunities in this
11 country so that we can reduce gun violence, and
12 they're not happening here.

13 This is a state that's supposed to
14 lead the discussion, not get stuck on license
15 plates.

16 Thank you, Mr. President.

17 ACTING PRESIDENT GRIFFO: Senator
18 Comrie, how do you vote?

19 SENATOR COMRIE: Yes.

20 ACTING PRESIDENT GRIFFO: Senator
21 Comrie in the affirmative.

22 Senator Bailey to explain his vote.

23 SENATOR BAILEY: Thank you,
24 Mr. President. I will be very brief.

25 And I just hope that as I look at

1 it, and I heard your comments -- and I vote aye,
2 for the record. Senator Tedisco, you talk about
3 the cash-strapped schools. And I hope that you
4 and the members of your conference, when it's
5 budget time, will remember the cash-strapped
6 schools and the kids that don't have anything,
7 will remember those schools in high-need
8 districts that don't have books and they don't
9 have the proper -- they don't have the necessary
10 tools for them to succeed.

11 I hope you remember that when it's
12 time to make sure that we increase education
13 funding in this budget. I hope we remember that,
14 not just around the issue of having guns in
15 schools to protect them. Because you made valid
16 points. But the issue -- I just want to make
17 sure that we remember that the money should be
18 there for our students when it's time to pass
19 this budget. We need funds, Mr. President, not
20 guns.

21 Thank you. I vote aye.

22 ACTING PRESIDENT GRIFFO: Senator
23 Bailey to be recorded in the affirmative.

24 Senator Stavisky to explain her
25 vote.

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

3 And as I looked at the agenda today,
4 I saw this as a really wasted opportunity, lost
5 opportunity. But I also see the irony. Where
6 did the license plates come from? They're made
7 by people who are incarcerated in our prison
8 system.

9 And I guess it's sort of hypocrisy
10 in the sense that we're giving employment but at
11 the same time we are missing an opportunity to do
12 something positive instead of just making
13 ourselves the laughingstock.

14 I will vote for the bill without a
15 an adjective in front of my description of the
16 bill, but I vote aye.

17 ACTING PRESIDENT GRIFFO: Senator
18 Stavisky to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: In relation to
21 Calendar 557, those recorded in the negative are
22 Senators Hoylman, Krueger and Rivera. Also
23 Senator Kavanagh.

24 Ayes, 56. Nays, 4.

25 ACTING PRESIDENT GRIFFO: The bill

1 is passed.

2 Senator LaValle, that completes the
3 noncontroversial reading of today's Senate
4 Supplemental Calendar 15A.

5 SENATOR LaVALLE: Mr. President,
6 can we go to the controversial reading, please.

7 ACTING PRESIDENT GRIFFO: The
8 Secretary will ring the bell, and the Secretary
9 will read.

10 THE SECRETARY: Calendar Number
11 552, by Senator Murphy, Senate Print 7813A, an
12 act to amend the Penal Law.

13 ACTING PRESIDENT GRIFFO: Senator
14 Gianaris.

15 SENATOR GIANARIS: Would the
16 sponsor yield for a few questions, Mr. President.

17 ACTING PRESIDENT GRIFFO: Senator
18 Murphy, will you yield for some questions?

19 SENATOR MURPHY: Yes,
20 Mr. President.

21 SENATOR GIANARIS: Thank you.

22 As I read this bill, I'm trying to
23 understand what the intent is. And if the
24 sponsor could please answer the question, is the
25 goal to classify as an act of terrorism any

1 shooting that occurs in our state?

2 SENATOR MURPHY: Mr. President,
3 through you. I'm sorry, I couldn't hear you,
4 Senator Gianaris.

5 ACTING PRESIDENT GRIFFO: Can I
6 have some order in the house, please.

7 Senator Gianaris, will you please
8 repeat the question.

9 SENATOR GIANARIS: Yes,
10 Mr. President.

11 The question is, is the intent of
12 this legislation to make any shooting that occurs
13 in this state an act of terrorism?

14 ACTING PRESIDENT GRIFFO: Senator
15 Murphy.

16 SENATOR MURPHY: No, Senator
17 Gianaris. This bill would include individuals
18 who knowingly, unlawfully discharge a firearm
19 within a thousand feet of a school, a place of
20 worship or a mass gathering of 25 people or more,
21 or within a business of one or more employees,
22 within the definition of committing an act of
23 terrorism.

24 So basically what this is trying to
25 do is add another category under the act of

1 terrorism, meaning schools, places of worship,
2 and places of business -- which we obviously have
3 seen in -- with the mass shootings going on.

4 SENATOR GIANARIS: Thank you.

5 Would the sponsor continue to yield?

6 ACTING PRESIDENT GRIFFO: Senator
7 Murphy, do you yield?

8 SENATOR MURPHY: Through you,
9 Mr. President, yes, sir.

10 ACTING PRESIDENT GRIFFO: The
11 Senator yields, Senator Gianaris.

12 SENATOR GIANARIS: Thank you.

13 The reason I asked the question is
14 it seems like a very aggressive broadening of the
15 term, because -- I guess I should ask a question
16 of the sponsor.

17 Is the sponsor aware that in parts
18 of this state -- indeed, probably in parts of his
19 own district -- the density of population is such
20 that within a thousand feet of any of these
21 locations effectively covers a wide, wide swath
22 of geography that's not specific to the school or
23 the locations you're trying to cover?

24 ACTING PRESIDENT GRIFFO: Senator
25 Murphy.

1 SENATOR MURPHY: Well, the reality
2 is is that if you unlawfully discharge the arm,
3 then you fall under the act of terrorism.

4 So yes, to your answer, we all live
5 in areas like that, especially in New York City,
6 things like that. That's why it was specifically
7 defined that way.

8 SENATOR GIANARIS: Okay, thank you.

9 Would the sponsor continue to yield?

10 ACTING PRESIDENT GRIFFO: The
11 sponsor yields.

12 SENATOR MURPHY: Through you,
13 Mr. President, yes, sir.

14 SENATOR GIANARIS: I would like to
15 ask the sponsor in a scenario where a police
16 officer commits an unlawful shooting, under this
17 bill would that police officer be a terrorist?
18 If it occurs within a thousand feet of a school
19 or one of those locations.

20 SENATOR MURPHY: Through you,
21 Mr. President.

22 ACTING PRESIDENT GRIFFO: Senator
23 Murphy.

24 SENATOR MURPHY: Unlawfully, yes.

25 SENATOR GIANARIS: On the bill,

1 Mr. President.

2 ACTING PRESIDENT GRIFFO: Senator
3 Gianaris on the bill.

4 SENATOR GIANARIS: This bill takes
5 a term that has acquired great meaning in our
6 society, "terrorism," and has a very specific
7 meaning that's defined in law, as intent to
8 intimidate or coerce a population, influence the
9 policy of a unit of government by intimidation or
10 coercion, or affecting the conduct of a unit of
11 government by murder, assassination or
12 kidnapping.

13 We all have a sense of what
14 terrorism means in that context. We've all seen
15 it on our TV screens, we've all -- and we can all
16 agree that the type of mass shootings we've seen
17 at schools should qualify as well.

18 My concern with this bill is it
19 effectively takes any unlawful shooting of any
20 kind and makes that crime a terrorist crime. And
21 by dumbing down, if you will, the definition of
22 terrorism, we are actually -- we are actually
23 making our treatment of actual terrorism less
24 serious.

25 This is effectively saying any gun

1 crime is an act of terrorism. And I don't think
2 that is the perception that anyone has of what
3 that means.

4 And just to be clear, with that
5 designation comes a lot of effects. It comes
6 with the opportunity to make it easier to invade
7 privacy and to tag someone unjustly as a
8 terrorist.

9 If we get to the point where
10 everyone that's committed a gun crime in our
11 state is a terrorist, it will be very hard to
12 take true terrorists as seriously as we need to
13 take them because there would be a vast majority
14 of people who have gone through our penal system
15 who acquire that designation.

16 And so again, while I certainly
17 agree that the mass shootings that we see in our
18 schools or the type of shootings we've seen
19 throughout the country in places of large
20 gatherings should indeed be classified as
21 terrorism, this bill goes way, way, way too far.
22 And I cannot support it when it also includes any
23 place of business at all, a thousand feet of a
24 place of worship or a thousand feet of anywhere
25 where 25 people are gathered. So I daresay there

1 won't be a single place in the state that doesn't
2 qualify.

3 And if we want to talk about
4 increasing penalties or doing things in that
5 respect to deal with these crimes, we can talk
6 about that. But to classify them as terrorism
7 does a disservice to our efforts to combat
8 terrorism and is counterproductive, in my
9 opinion, so I'll be voting no.

10 ACTING PRESIDENT GRIFFO: Senator
11 Kavanagh.

12 SENATOR KAVANAGH: Mr. President,
13 would the sponsor yield for a few questions?

14 ACTING PRESIDENT GRIFFO: Senator
15 Murphy, do you yield?

16 SENATOR MURPHY: Yes,
17 Mr. President.

18 ACTING PRESIDENT GRIFFO: The
19 sponsor yields.

20 SENATOR KAVANAGH: Thank you.

21 Mr. President, the current law
22 defines terrorism as an act that is intended to
23 intimidate or coerce a civilian population,
24 influence the policy of a unit of government by
25 intimidation or coercion, or affect the conduct

1 of a unit of government by murder, assassination,
2 or kidnapping.

3 I wonder, does the sponsor think
4 that's a reasonable definition of terrorism?

5 SENATOR MURPHY: Yeah,
6 intimidation. When someone's going to sit there
7 with a gun and unlawfully try and shoot if off
8 within a thousand feet of a school or a place of
9 business or worship, I would consider that
10 intimidation.

11 SENATOR KAVANAGH: Mr. President, I
12 wonder is it the sponsor's intent to --

13 ACTING PRESIDENT GRIFFO: Senator
14 Kavanagh, are you asking the sponsor to continue
15 to yield?

16 SENATOR KAVANAGH: Sorry, forgive
17 me, yes.

18 ACTING PRESIDENT GRIFFO: Will the
19 sponsor continue to yield?

20 SENATOR MURPHY: Through you,
21 Mr. President, yes.

22 ACTING PRESIDENT GRIFFO: Senator
23 Kavanagh.

24 SENATOR KAVANAGH: Thank you,
25 Mr. President, for the reminder of the process

1 here.

2 Is it the sponsor's intent to
3 eliminate the requirement that that be the intent
4 of the person accused of terrorism under this
5 law?

6 SENATOR MURPHY: No, Mr. President.
7 This was added to the -- at the definition of the
8 act of terrorism.

9 But what's not being discussed here
10 is also another vital portion of the bill, which
11 would codify under New York State law the
12 operations of the New York State Intelligence
13 Center, to establish that within the Division of
14 State Police.

15 It would also provide that such
16 center would be responsible for the collection,
17 interrogation, receipt, processing, evaluation,
18 analysis, fusing, dissemination, sharing and
19 maintenance of intelligence information to aid in
20 detecting, preventing, investigating and
21 responding to acts of terrorism.

22 Exactly what we had in Parkland.
23 This is to add to it. So let's not forget that
24 portion of it either. So this does not -- I'm
25 not trying to dummy down any bill here.

1 SENATOR KAVANAGH: Mr. President,
2 if the sponsor would continue to yield.

3 SENATOR MURPHY: Through you,
4 Mr. President, yes.

5 ACTING PRESIDENT GRIFFO: The
6 sponsor yields.

7 SENATOR KAVANAGH: Thank you.

8 I wonder if the sponsor -- that the
9 terrorism center to which he refers exists
10 currently in this bill, is the intent, the worthy
11 intent of this bill to codify that? Is that
12 correct?

13 SENATOR MURPHY: Correct. Through
14 you, Mr. President.

15 SENATOR KAVANAGH: Would the
16 sponsor continue to yield.

17 ACTING PRESIDENT GRIFFO: Senator
18 Murphy, do you yield?

19 SENATOR MURPHY: Through you,
20 Mr. President, yes.

21 ACTING PRESIDENT GRIFFO: The
22 sponsor yields.

23 SENATOR KAVANAGH: Returning to the
24 point we discussed earlier, the bill as written
25 takes that definition that we agree is a worthy

1 definition of terrorism, with those particular
2 intents in mind, and says that those things
3 qualify as terrorism or the discharge of a weapon
4 where the intent is to cause harm to people or to
5 property, either public or private property,
6 within a thousand feet of a school or a house of
7 worship or any gathering of 25 people or in any
8 business with at least one employee.

9 Is it the sponsor's intent to
10 separate the act that this person would be
11 accused of from the intent that we agreed before
12 is a worthy definition of terrorism?

13 ACTING PRESIDENT GRIFFO: Senator
14 Murphy.

15 SENATOR MURPHY: No. No.
16 Absolutely not, Mr. President.

17 SENATOR KAVANAGH: Okay. Well,
18 again, Mr. President, I would -- if the sponsor
19 would continue to yield.

20 ACTING PRESIDENT GRIFFO: Do you
21 yield?

22 SENATOR MURPHY: Through you,
23 Mr. President, yes.

24 ACTING PRESIDENT GRIFFO: The
25 sponsor yields.

1 SENATOR KAVANAGH: If a teenager
2 lawfully in possession of a weapon, perhaps for
3 hunting, were to discharge that weapon with the
4 intent of shooting holes in a stop sign and that
5 act were to occur within a thousand feet of a
6 church or a school or a gathering of 25 people or
7 more, would that constitute terrorism under this
8 bill?

9 SENATOR MURPHY: Through you,
10 Mr. President, yes.

11 But the reality is is that this is a
12 protective mechanism. Let's not get off track
13 here of what we're trying to accomplish here.
14 We're trying to establish to make sure that we
15 are protecting our schools, our places of
16 worship, and the people in businesses. That's
17 what we're looking to do here.

18 SENATOR KAVANAGH: Mr. President,
19 if the sponsor would continue.

20 Is there anything in the bill that
21 requires that the person discharging the weapon
22 be aware that they're within a thousand feet of a
23 school or a house of worship or a gathering of 25
24 people?

25 ACTING PRESIDENT GRIFFO: Senator

1 Murphy.

2 SENATOR MURPHY: Through you,
3 Mr. President, no. Not knowingly know to -- if
4 I'm 999 feet from it -- I'm not getting tape
5 measures out.

6 SENATOR KAVANAGH: Mr. President,
7 if there were a group of --

8 ACTING PRESIDENT GRIFFO: Are you
9 asking Senator Murphy to continue to yield or --

10 SENATOR KAVANAGH: I'm sorry, if
11 the sponsor would yield just a little further.

12 SENATOR MURPHY: Through you,
13 Mr. President, yes.

14 ACTING PRESIDENT GRIFFO: The
15 sponsor yields.

16 SENATOR KAVANAGH: If somebody
17 discharging a weapon were within a thousand feet
18 of a group of, say, 25 people who are out hunting
19 and chose to discharge their weapon in a manner
20 that was intended to damage any public or private
21 property at all, would that discharge of weapon
22 constitute terrorism under this bill?

23 SENATOR MURPHY: I believe,
24 Mr. President, if it was within a thousand feet
25 of a school, a place of worship, or a place of

1 business, yes, Mr. President. Not out in the
2 wilderness.

3 SENATOR KAVANAGH: Mr. President,
4 if the sponsor would continue to yield, it does
5 not -- the bill -- sorry, would the sponsor
6 continue to yield?

7 SENATOR MURPHY: Yes,
8 Mr. President.

9 SENATOR KAVANAGH: Does the sponsor
10 not also intend to include the language "within
11 one thousand feet of a mass gathering of 25
12 people"? Is that not part of the intent of the
13 definition of terrorism in this bill? Under Part
14 D, in section 2, subdivision 1, Roman numeral 2,
15 capital D. On line 33 of page 2 of the bill.

16 SENATOR MURPHY: If you don't mind,
17 Senator Kavanagh, would you just repeat your
18 question?

19 SENATOR KAVANAGH: Sure. My
20 question is does the sponsor intend to define a
21 mass gathering for the purpose of this definition
22 of terrorism, as any place where there are 25
23 people? And does he further intend to define it
24 as terrorism if you're knowingly or unknowingly
25 within a thousand feet of any gathering of 25

1 people? Does it automatically constitute
2 terrorism if you're trying to damage any kind of
3 property or harm any person within a thousand
4 feet of any group of 25 people?

5 SENATOR MURPHY: Through you,
6 Mr. President, the idea of the bill was to
7 protect the people of the Las Vegas shooting,
8 things like that. We're trying to use common
9 sense here. We're not trying to, you know, be
10 divisive and try and find out -- and split the
11 bill in hairs.

12 The reality is is that we all know
13 what happened out in Las Vegas, we all know what
14 happened in Parkland, we all know what happened
15 in South Carolina. The idea is to protect these
16 people.

17 SENATOR KAVANAGH: Mr. President,
18 on the bill.

19 ACTING PRESIDENT GRIFFO: Senator
20 Kavanagh on the bill.

21 SENATOR KAVANAGH: Mr. President, I
22 appreciate the sponsor yielding for so many
23 specific questions.

24 When we make laws that define
25 particular activities as very, very serious

1 crimes, it's important that we get the language
2 right. As my colleague Mr. Gianaris noted, this
3 bill would vastly expand the definition of
4 terrorism to the point where it's virtually
5 meaningless.

6 I mean, it's very important in --
7 you know, I represent the district that was the
8 site of the 9/11 attacks. We spent a lot of
9 years over the course of -- throughout the state
10 trying to define terrorism properly, trying to
11 figure out ways to address it, including the very
12 worthy terrorism center that this bill codifies.

13 But a bill that defines discharging
14 a weapon virtually anywhere, with the intent to
15 damage any property at all, public or private --
16 not even with an intent to harm any person --
17 defining that as terrorism without divorcing it
18 from any intent to do anything, strikes me as
19 very problematic. And I would suggest that this
20 is not something that we should support in this
21 house today.

22 Thank you.

23 ACTING PRESIDENT GRIFFO: Senator
24 Krueger on the bill.

25 SENATOR KRUEGER: Through you,

1 Mr. President, if the sponsor would please yield.

2 ACTING PRESIDENT GRIFFO: Senator
3 Krueger would like --

4 SENATOR MURPHY: Yes,
5 Mr. President.

6 ACTING PRESIDENT GRIFFO: The
7 sponsor yields.

8 SENATOR KRUEGER: Thank you.

9 So you said that we shouldn't get
10 caught up in splitting hairs. But we're
11 legislators, and so what we do is legislate based
12 on the bills in front of us.

13 So because of where I live in
14 New York City, I believe that any crime with a
15 gun would meet your standard of terrorism. Do
16 you know how many crimes with guns take place in
17 the State of New York each year?

18 SENATOR MURPHY: Willfully?

19 SENATOR KRUEGER: Yes. Because I
20 don't think it's a crime if it's not willful.

21 SENATOR MURPHY: Through you,
22 Mr. President, no, I do not. I do not have that
23 statistic.

24 SENATOR KRUEGER: Okay, so I looked
25 it up while we were -- while I was listening, and

1 according --

2 ACTING PRESIDENT GRIFFO: Senator
3 Krueger, are you on the bill now or asking --

4 SENATOR KRUEGER: Excuse me. On
5 the bill, Mr. President.

6 ACTING PRESIDENT GRIFFO: Senator
7 Krueger on the bill.

8 SENATOR KRUEGER: Thank you.

9 So according to state statistics, in
10 2016 we had, in the City of New York, 5400
11 violent crimes with a firearm, and in the rest of
12 the state, 4600 crimes. So basically over 10,000
13 crimes with a gun.

14 I can't speak for all of the state
15 with the 1,000-foot rule or the one person in the
16 business or the group of 25 people; I can speak
17 for the City of New York. That would pretty much
18 be every crime with a gun.

19 Again, I don't think the sponsor
20 intends to define 10,000 crimes each year as
21 terrorist acts, because I think he would agree
22 that is not what he intended, even by listening
23 to him debate the bill tonight.

24 So I would urge the sponsor to go
25 back and revisit the language of his own bill,

1 perhaps amend the bill, because I think that he
2 does intend it to apply to the examples he was
3 describing of Florida, most recently, Las Vegas,
4 wherever the next mass shooting might be, because
5 we all know we're waiting for one. But that this
6 bill, because of the way it's written, would
7 translate into any crime with a gun, and even
8 possibly some noncrimes with a gun, translating
9 into terrorist acts. And again, I don't think
10 that's what the sponsor intended his bill to do.

11 So I'm going to vote no on your
12 bill, but I'm going to urge you to go back and
13 think about whether you want to amend your own
14 bill.

15 Thank you, Mr. President.

16 ACTING PRESIDENT GRIFFO: Senator
17 Young.

18 SENATOR YOUNG: Thank you,
19 Mr. President. On the bill.

20 I'd like to commend --

21 ACTING PRESIDENT GRIFFO: Senator
22 Young on the bill.

23 SENATOR YOUNG: I'd like to commend
24 my colleagues for putting this bill forward,
25 especially Senator Murphy for your leadership in

1 this issue.

2 Let's face it. What happened in
3 Parkland, Florida, was an epic failure on behalf
4 of law enforcement at every level. At every
5 level. This past January the FBI, on their tip
6 line, got a call from a frantic woman who told
7 the FBI that Nikolas Cruz was a danger, he was
8 about to explode, he had an arsenal of knives, of
9 guns, and he was about to explode.

10 You know what the FBI did? Nothing.
11 And that was the second time that Nikolas Cruz
12 had been reported to them.

13 On top of it, the Broward County
14 sheriff's department had not just 23 that they
15 admitted to, 45 times concerned citizens called
16 them about Nikolas Cruz and said he is a danger,
17 he is going to hurt someone, he's been
18 threatening to shoot up the school. And you know
19 what? Nobody did anything. Nobody did anything.
20 So the federal government knew, the local
21 government knew, and nobody did anything.

22 Senator Murphy, this is a great bill
23 because what it does, it requires domestic
24 terrorism to be defined through the threat of a
25 mass shooting. And that's really what needs to

1 happen. We need to make sure that there is
2 communication, coordination among all the law
3 enforcement agencies.

4 I remember when this Intelligence
5 Center was set up in New York State. It was
6 right after 9/11. And that was a failure too.
7 If the people in this room recall, there was a
8 failure on every level between communication and
9 coordination of law enforcement. That's why the
10 New York State Intelligence Center was set up, to
11 solve that.

12 But now we have these acts of mass
13 shootings, and this is domestic terrorism. What
14 this bill does is actually define it as such so
15 that we can have that communication, that
16 coordination, so law enforcement not only will be
17 coordinating but they will take action so that we
18 can stop the carnage that happened in Parkland,
19 Florida.

20 So I just want to thank my
21 colleagues for putting this bill in. I want to
22 thank our side of the aisle for wanting to
23 actually get to the root of the problem and
24 tackle it. And I would urge all of our
25 colleagues to vote yes on this. And frankly, I

1 find it shocking to hear that people are against
2 such a commonsense bill.

3 Thank you, Mr. President.

4 ACTING PRESIDENT GRIFFO: Seeing
5 and hearing no other Senator that wishes to be
6 heard, debate is closed.

7 The Secretary will ring the bell.

8 Read the last section.

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

11 ACTING PRESIDENT GRIFFO: Call the
12 roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT GRIFFO: Order,
15 please, in the house.

16 The Secretary is recording the vote,
17 and Senator Murphy to explain his vote.

18 SENATOR MURPHY: Yes, thank you,
19 Mr. President.

20 You know, as a father of three
21 kids -- one in high school, one in the middle
22 school, and one in the grade school -- we should
23 be doing everything possible to make sure our
24 kids are protected.

25 I heard today that \$1.2 billion was

1 too much to protect our kids. I heard guns you
2 don't want in school, now you want to protect
3 people with guns. We're trying to do our best to
4 protect our kids. This bill is part of that
5 equation.

6 Part of this bill which was never
7 discussed today -- which possibly, possibly could
8 have prevented Parkland -- was that it would
9 also, for the first time, provide that schools
10 and the State Department of Education be
11 participating parties in the Intelligence Center.

12 I've met with over 40 different
13 police unions. The number-one issue is the lack
14 of communication. This bill would codify it in
15 the State of New York, which we never even talked
16 about. Thank you, Senator Young, for bringing it
17 up. Very, very important part.

18 Priceless, our kids in schools. We
19 need to take care of them. That's our
20 obligation.

21 Thank you, Mr. President.

22 ACTING PRESIDENT GRIFFO: Senator
23 Murphy to be recorded in the affirmative.

24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar 552, those recorded in the negative are
2 Senators Addabbo, Bailey, Benjamin, Breslin,
3 Comrie, Gianaris, Hoylman, Kaminsky, Kavanagh,
4 Krueger, Montgomery, Ortt, Persaud, Rivera,
5 Serrano, Stavisky and Stewart-Cousins.

6 Absent from voting: Senators
7 Hamilton and Sanders.

8 Ayes, 41. Nays, 17.

9 ACTING PRESIDENT GRIFFO: The bill
10 is passed.

11 Senator DeFrancisco, that concludes
12 the noncontroversial reading of today's Senate
13 Supplemental Calendar 15A.

14 SENATOR DeFRANCISCO: Excuse me,
15 Senator Stewart-Cousins has a handup. Do you
16 have that?

17 ACTING PRESIDENT GRIFFO: The
18 handup is received and filed.

19 SENATOR DeFRANCISCO: Do you have
20 any further business at the desk?

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

23 SENATOR DeFRANCISCO: That being
24 the case, I move to adjourn until Tuesday,
25 March 6th, at 3:00 p.m.

1 ACTING PRESIDENT GRIFFO: On
2 motion, the Senate will stand adjourned until
3 Tuesday, March 6th, at 3:00 p.m.

4 The Senate is adjourned.

5 (Whereupon, at 6:10 p.m., the Senate
6 adjourned.)

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