NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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4:27 p.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator DeFrancisco.

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

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

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

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

SENATOR DeFRANCISCO: On page 43,

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

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

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

ACTING PRESIDENT GRIFFO: It is so ordered.

Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: Senator Croci.

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

ACTING PRESIDENT GRIFFO: Senator Croci, excuse me.

Could we have some order in the house, please.

Senator Croci.

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

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

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Thank you, Senator Croci.

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

(Standing ovation.)

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: Senator Comrie.

SENATOR COMRIE: Thank you, Mr. President.

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

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

(Loud reaction from members.)

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

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

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

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

I'd like to thank the principal,

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Comrie.

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

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

Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill

is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 57.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

Ayes, 43. Nays, 17.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill

is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

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

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

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

SENATOR DeFRANCISCO: Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: The Senate stands at ease.

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

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

ACTING PRESIDENT GRIFFO: The Senate will come to order.

Senator DeFrancisco.

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

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

The Secretary will read.

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

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

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

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

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

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

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

Senate 7805, by Senator Croci, an

act to amend the Education Law;

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

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

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

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

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

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

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

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

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

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

on Rules report. All in favor say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

Senator DeFrancisco.

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

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

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

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

SENATOR GIANARIS: Thank you, Mr. President.

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

ACTING PRESIDENT GRIFFO: Thank you, Senator Gianaris.

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

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

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

SENATOR KAMINSKY: Thank you, Mr. President.

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

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

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

firearm.

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Kavanagh.

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

just a week ago.

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President.

I urge a vote on these amendments as well.

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

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

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

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

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

I am the father of a second-grader.

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

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

ACTING PRESIDENT GRIFFO: Senator Gianaris.

SENATOR GIANARIS: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

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

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

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

THE SECRETARY: Ayes, 28.

ACTING PRESIDENT GRIFFO: The ruling of the chair stands.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Could we now --

ACTING PRESIDENT GRIFFO: Read the

last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

ACTING PRESIDENT GRIFFO: The Secretary will reannounce.

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

Ayes, 41. Nays, 19.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: The Secretary will read.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

Ayes, 51. Nays, 9.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

Ayes, 56. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

Ayes, 55. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

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

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

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

I vote no, Mr. President.

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

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

And Senator Rivera will explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

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

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

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

Senator DeFrancisco to explain his vote.

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

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

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

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

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

Announce the results.

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

Ayes, 46. Nays, 14.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

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

Ayes, 41. Nays, 19.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

SENATOR GIANARIS: Lay it aside.

ACTING PRESIDENT GRIFFO: Lay the bill aside.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 60.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Mr. President.

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

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

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

Thank you, Mr. President.

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

Senator Tedisco to explain his vote.

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

SENATOR GIANARIS: Mr. President.

SENATOR TEDISCO: And the reason for that --

SENATOR GIANARIS: Mr. President.

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

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

ACTING PRESIDENT GRIFFO: There was

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

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

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

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

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

there and all the magic took place behind the curtain.

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

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

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

But after you get in the building

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

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Tedisco.

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

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

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

Senator Tedisco, if you can please conclude.

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

ACTING PRESIDENT GRIFFO: Cannot

give extended time.

Senator Tedisco, how would you vote?

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

ACTING PRESIDENT GRIFFO: Okay.

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

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

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

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

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

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

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

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

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

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

SENATOR TEDISCO: I vote yes.

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

Senator Gianaris to explain his vote.

SENATOR GIANARIS: Thank you, Mr. President.

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

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

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

plate, a commemorative license plate.

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

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

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

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

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

I vote yes, Mr. President.

(Laughter; sustained reaction.)

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

Senator Montgomery to explain her vote.

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

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

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

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

Senator Krueger to explain her vote.

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

(Laughter.)

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

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

ACTING PRESIDENT GRIFFO: Senator Krueger in the negative.

Senator Comrie to explain his vote.

SENATOR COMRIE: Thank you, Mr. President.

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

(Laughter.)

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

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

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

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

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

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

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

Thank you, Mr. President.

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

SENATOR COMRIE: Yes.

ACTING PRESIDENT GRIFFO: Senator Comrie in the affirmative.

Senator Bailey to explain his vote.

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

And I just hope that as I look at

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

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

Thank you. I vote aye.

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

Senator Stavisky to explain her vote.

SENATOR STAVISKY: Thank you, Mr. President.

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

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

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

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

Announce the results.

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

Ayes, 56. Nays, 4.

ACTING PRESIDENT GRIFFO: The bill

is passed.

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Gianaris.

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

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

SENATOR MURPHY: Yes, Mr. President.

SENATOR GIANARIS: Thank you.

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

shooting that occurs in our state?

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

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

Senator Gianaris, will you please repeat the question.

SENATOR GIANARIS: Yes, Mr. President.

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

ACTING PRESIDENT GRIFFO: Senator Murphy.

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

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

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

SENATOR GIANARIS: Thank you.

Would the sponsor continue to yield?

ACTING PRESIDENT GRIFFO: Senator Murphy, do you yield?

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

ACTING PRESIDENT GRIFFO: The Senator yields, Senator Gianaris.

SENATOR GIANARIS: Thank you.

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

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

ACTING PRESIDENT GRIFFO: Senator Murphy.

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

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

SENATOR GIANARIS: Okay, thank you.

Would the sponsor continue to yield?

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

SENATOR MURPHY: Through you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Murphy.

SENATOR MURPHY: Unlawfully, yes.

SENATOR GIANARIS: On the bill,

Mr. President.

ACTING PRESIDENT GRIFFO: Senator Gianaris on the bill.

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

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

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

This is effectively saying any gun

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator Kavanagh.

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

ACTING PRESIDENT GRIFFO: Senator Murphy, do you yield?

SENATOR MURPHY: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KAVANAGH: Thank you.

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

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

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

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

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

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

SENATOR KAVANAGH: Sorry, forgive me, yes.

ACTING PRESIDENT GRIFFO: Will the sponsor continue to yield?

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

ACTING PRESIDENT GRIFFO: Senator Kavanagh.

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

here.

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

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

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

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

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

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

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KAVANAGH: Thank you.

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

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

SENATOR KAVANAGH: Would the sponsor continue to yield.

ACTING PRESIDENT GRIFFO: Senator Murphy, do you yield?

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

ACTING PRESIDENT GRIFFO: Senator Murphy.

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

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

ACTING PRESIDENT GRIFFO: Do you yield?

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

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

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

ACTING PRESIDENT GRIFFO: Senator

Murphy.

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

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

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

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

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

ACTING PRESIDENT GRIFFO: The sponsor yields.

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

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

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

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

SENATOR MURPHY: Yes, Mr. President.

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

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

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

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

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

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

SENATOR KAVANAGH: Mr. President, on the bill.

ACTING PRESIDENT GRIFFO: Senator Kavanagh on the bill.

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

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

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

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

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

Thank you.

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: Through you,

Mr. President, if the sponsor would please yield.

ACTING PRESIDENT GRIFFO: Senator Krueger would like --

SENATOR MURPHY: Yes, Mr. President.

ACTING PRESIDENT GRIFFO: The sponsor yields.

SENATOR KRUEGER: Thank you.

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

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

SENATOR MURPHY: Willfully?

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

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

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

according --

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

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

ACTING PRESIDENT GRIFFO: Senator Krueger on the bill.

SENATOR KRUEGER: Thank you.

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

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

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

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

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

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

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Young.

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

I'd like to commend --

ACTING PRESIDENT GRIFFO: Senator Young on the bill.

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

this issue.

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

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

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

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

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

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

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

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

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

Thank you, Mr. President.

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

The Secretary will ring the bell.

Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

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

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

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

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

I heard today that $1.2 billion was

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

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

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

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

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to

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

Absent from voting: Senators Hamilton and Sanders.

Ayes, 41. Nays, 17.

ACTING PRESIDENT GRIFFO: The bill is passed.

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

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

ACTING PRESIDENT GRIFFO: The handup is received and filed.

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

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

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

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

The Senate is adjourned.

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