NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 1, 2018

3:26 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 bow your heads in a moment of silent prayer and/or reflection.

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

ACTING PRESIDENT GRIFFO: The reading of the Journal.

THE SECRETARY: In Senate, Monday, April 30th, the Senate met pursuant to adjournment. The Journal of Sunday, April 29th, was read and approved. On motion, Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Are we on motions and resolutions?

ACTING PRESIDENT GRIFFO: Correct.

SENATOR DeFRANCISCO: I'd like to -- first of all, on page 46 I offer the following amendments to Calendar 719, Senate Print 7435, by Senator LaValle, 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.

SENATOR DeFRANCISCO: Please recognize Senator Klein.

ACTING PRESIDENT GRIFFO: Senator Klein.

SENATOR KLEIN: Thank you, Mr. President.

On behalf of Senator Kennedy, I move that the following bill be discharged from its respective committee and be recommitted with instructions to strike the enacting clause: Senate Bill 7807.

ACTING PRESIDENT GRIFFO: It is so ordered.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I move to adopt the Resolution Calendar without exception.

ACTING PRESIDENT GRIFFO: All in favor of adopting the Resolution Calendar signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we take up previously adopted Resolution 3516, by Senator Funke, title only, and call on Senator

Funke to speak, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution 3516, by Senator Funke, memorializing Governor Andrew M. Cuomo to proclaim May 5, 2018, as I Love My Park Day in the State of New York.

ACTING PRESIDENT GRIFFO: Senator Funke.

SENATOR FUNKE: Thank you, Mr. President.

For all the challenges we have in New York State, and we certainly do have them, I think it's important to take a step back and be mindful of the fact that we are blessed to live in such a beautiful state. Our parks are second to none. From Bethpage to the Adirondacks, from Letchworth to Niagara Falls, our parks are important to provide respite from big city life, to bring families together, to bring peace and tranquility to busy lives.

But they need to be maintained. And with the number of Park Police -- also visiting us today -- they need to be protected and the officers need to have what they need in order to

ensure that they can do the job that they do each and every day.

We want visitors to enjoy our parks. We want them to be safe. We want visitors to consider moving here and opening businesses here. And for all the negatives that we have and that swirl around us in New York State, our state parks are an example of what really makes New York State great.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Funke.

As indicated, the resolution was previously adopted.

Senator Funke has opened the resolution for cosponsorship. Should you choose to be a cosponsor, please notify the desk.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, could we take up previously adopted Resolution 4757, by Senator Rivera, title only, and call on Senator Rivera to speak.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative

Resolution Number 4757, by Senator Rivera, celebrating the life of Sister Charlotte Terrell Sapp, distinguished citizen, religious leader and devoted member of her community.

Senator Rivera.

SENATOR RIVERA: Thank you, Mr. President.

It is today with sadness that I stand up on the floor of the Senate. At the same time that we are honoring many Women of Distinction from our districts, today I am speaking briefly about the life of one such distinguished woman who sadly is no longer with us.

Charlotte Terrell Sapp died suddenly and unexpectedly at the young age of 50 on Tuesday, January 9th, of this year. She was a New York resident, a Bronx resident, a proud Bronx resident, and a proud member of the Creston Avenue Baptist Church right around the corner from my district office, where I saw her many times, and some of the times that my staff would go and work on the -- there's a food pantry that is very active just right around the corner from my district.

She was committed to service to her community. She actually took it to the next step and joined my colleague's -- Assemblymember Victor Pichardo's office, where she was a staff member briefly before her passing, her untimely passing.

So as we take some time to honor those women who are still with us who will make our districts and our communities better all over the state, I just wanted to say that Ms. Sapp is missed. Her legacy is something that I wanted to make sure to celebrate today, Mr. President.

And just to say that she was a valuable member of her community, she was a valuable member of Assemblymember Victor Pichardo's staff -- but most importantly, she was a Bronx resident who gave back every single day. And I'm sad that she is no longer with us and wanted to take some time to honor her this afternoon.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Rivera.

As indicated, the resolution was previously adopted.

Senator Rivera has opened up the resolution for cosponsorship. Should you choose to be a cosponsor, please notify the desk.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, we have an important resolution on Women of Distinction, but we're not quite ready. Therefore, could you take up the noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Calendar Number 104, by Senator Marcellino, Senate Print 1146A, 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.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 104, those recorded in the negative are

Senators Alcantara, Bailey, Benjamin, Comrie, Gianaris, Hamilton, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Sepúlveda, Serrano, Stavisky and Stewart-Cousins. Also Senator Dilan.

Ayes, 40. Nays, 20.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we please suspend the reading of the noncontroversial calendar and take up the privileged resolution by Senator Flanagan, read it in its entirety, and call on Senator Flanagan and Senator Savino to speak.

ACTING PRESIDENT GRIFFO: The active list will be temporarily suspended.

On motions and resolutions, Senator DeFrancisco has recognized the resolution before the house, and the Secretary will read.

THE SECRETARY: Legislative Resolution by Senators Flanagan and Stewart-Cousins, congratulating the 2018 New York State Women of Distinction.

"WHEREAS, It is the custom of this

Legislative Body to acknowledge and celebrate Women of Distinction who significantly add inspiration and encouragement to the people of this great Empire State; and

"WHEREAS, The New York State Senate Women of Distinction program was created in 1998 as part of our state celebration of Women's History Month to honor exemplary women from across New York State whose singular professional or personal achievements, commitment to excellence and accomplishments merit special recognition; honorees are selected from nominations submitted from across the state; and

"WHEREAS, Women of every economic, ethnic and religious background have made significant contributions that are reflected across all aspects of society; and

"WHEREAS, It is the custom of this Legislative Body to pay tribute to individuals of remarkable character who have shown initiative and commitment in constantly pursuing higher goals for themselves, as well as acting as role models to all women in their community; and

"WHEREAS, On behalf of the New York State Senate, we congratulate Khayriyyah H. Ali,

Tamara Baker, Elizabeth Baldwin, Kathryn J. Boor, Ph.D, Christina Boryk, Amy Breedlove, Linda Brown-Robinson, Lynda Bryan, Roberta Byron-Lockwood, Dr. Diane B. Call, Judy A. Calogero, Lucy A. Candelario, Hope Coleman, Carole Coppens, Laurie Crane, Maria Cruz, Doreen P. Cugno, Katie Davis, Mary Eileen Fitzgerald, Dr. Irina Gelman, Wendy Genao, Sister Gail Glenn, SSJ, Cheryl Hage-Perez, Sherene Hall, Pamela Hardy-Lockley, Norma Jimenez, June A. Johnson, Monique Johnson, Tiesha C. Jones, Virgie Jones, Leslie Kennedy, Robyn L. Krueger, Rachel Levy, Detective Kayla Maher, Beverly L. Mancuso, Nora Constance Marino, Pat Matthews, Patricia J. McCabe, Deborah Milone, Donna Mossman, Maritza Muñoz, Louise Novros, Shannon Ozzella, Lin Pan, Joan Pastore, DSW, Rhianna Quinn Roddy, Linda Romano, Jacqueline Romano, Samantha Ross, Elizabeth Rowley, CFRE, Marcee Rubinstein, Shirley Ruch, Mary Lou Rupp, Dr. Meera Shah, Dr. Renee Scialdo Shevat, Gail L. Smith, Coleen Cole Spinello, Nell Stokes, Gina Vasquez, Roxanne Watson, Alice Holloway Young, and Janet Zinck as 2018 New York State Senate Women of Distinction, to be celebrated on Tuesday, May 1, 2018, at the

Annual Women of Distinction Awards ceremony in The Well of the Legislative Office Building; and

"WHEREAS, Women have become part of New York's lasting heritage by fighting against stereotypes, prejudice, and seemingly insurmountable obstacles; and

"WHEREAS, From the women's suffrage movement just over 150 years ago to the present day, women have played and continue to play a crucial role in adding strength, understanding, and inspiration to the diversity and quality of life of the people of the State of New York; and

"WHEREAS, New York State has been, and continues to be, the home to many distinguished women who have made their mark in history as pioneers in their field, therefore laying the foundation for women after them to succeed; and

"WHEREAS, This Legislative Body recognizes that New York State is the home to countless women who are strong and colorful threads, vital to the fabric of our rich heritage, who have contributed and continue to add to the advancement of our culture through their traditional and nontraditional roles in

society; now, therefore, be it

"RESOLVED, It is the sense of this Legislative Body that those who enhance the well-being and vitality of their community and have shown a long and sustained commitment to excellence certainly have earned the recognition and applause of all the citizens of this great Empire State; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the aforementioned Women of Distinction."

ACTING PRESIDENT GRIFFO: Senator Savino.

SENATOR SAVINO: Thank you, Mr. President.

I want to thank Senator Flanagan for bringing this resolution and Senator Stewart-Cousins for also cosponsoring it.

And I want to thank all of my colleagues for continuing this tradition that was begun in this chamber 20 years ago when the New York State Senate decided to start the tradition of honoring Women of Distinction, inviting women from all of our districts to come to Albany in recognition of what they do at home.

We all know that every year we pick a woman to come from our districts in recognition of what they do, and most of the time those women are as surprised as they can be when we call them on the phone and we say to them, We want you to come to Albany because we believe that you are special and you deserve recognition from the State of New York for the things that you do every day. Because we know that most women take for granted that no one pays attention to what they're doing, whether they're educators, whether they're doctors, whether they're lawyers, whether they're community activists. They're so busy running their own lives they don't think what they're doing should be noted or is distinctive. We know how important it is.

We're going to hear later on tonight when we go down to the Women of Distinction ceremony and we honor them individually -- we're going to read the book, we're going to look at each one of their bios, and we are going to see some of the most amazing women in the State of New York. And we're going to have an opportunity to speak to them afterwards, where they'll share some of the moments of their life, and we're

going to continue to be inspired by them, and rightfully so.

Right here in this chamber, we have 15 amazing women, one of them added to us yesterday when Senator Shelley Mayer joined the chamber. I've had the privilege over the last 14 years of serving with some amazing women in this chamber -- those of us who are here with us now, some of us who have gone on to bigger and better things.

New York's women are distinctive in so many ways, and I am so proud to be here to be alongside all of you to recognize the women who are here today, to work alongside the women in this chamber, here and in the Assembly, and to just join all of you in recognition, again, for the New York State Women of Distinction.

Thank you to all of my colleagues.

ACTING PRESIDENT GRIFFO: Senator Flanagan.

SENATOR FLANAGAN: Thank you, Mr. President.

I want to add my voice to that of Senator Savino and also Senator Stewart-Cousins -- frankly, to all of my

colleagues, both sides of the aisle, both genders.

And to our guests, first of all, welcome. I just had a chance to meet Lynda Bryan, sitting in the back, who is Senator Marchione's honoree. Senator Phillips told me that her honoree is a woman named Lin Pan.

And why do I raise this? Because one of the really nice things about today is, number one, the tradition of us having this type of event. Number two, because we get a chance to read bios and stories and facts about people who are heavily involved in their communities -- people who make a difference, whether it's in a voluntary capacity or a paid capacity. And these are our leaders here in the State of New York.

Now, to some of our honorees who are here -- I see some in the gallery -- I'm going to be parochial, very parochial. I'm glad to see my honoree and a Woman of Distinction from the Second Senate District, who is Leslie Kennedy, who is a county legislator. Now, this is pretty interesting, because she is a county legislator and she is joined in the gallery by her husband, John Kennedy, who is the Suffolk County

comptroller. And you can only imagine the table discussion and the dinner discussions -- she wants to spend money, he's trying to save money --

(Laughter.)

SENATOR FLANAGAN: -- you know, all on the public fisc. But Leslie is a vanguard and protector of the taxpayer.

But to all of our colleagues, and particularly our women who are here today, guests, welcome to Albany, welcome to the New York State Senate chamber, welcome to your house. Sometimes we need to be reminded that this is all owned by the taxpayers of the great State of New York.

So to all of you, thank you for who you are, the fact that you are here. And what I would recommend to everyone, including our honorees, take the book and read it. You're going to find out a lot of good things about very good people here in the State of New York.

I also want to lastly add, but very importantly so, Betty Little is the head of our caucus -- our Women's Legislative Caucus in our Majority Conference. We have several members of

that conference, all of whom serve with distinction. So it's an added bonus that we can not only recognize our own colleagues, but our guests and honorees today.

Mr. President, thank you very much.

ACTING PRESIDENT GRIFFO: Thank you, Senator Flanagan.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

We congratulate all those in attendance and extend our best wishes and the privileges of the house of the Senate today upon your visit here.

And the resolution will include all members unless otherwise indicated by a member at the desk.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I just want to clarify. Whenever you get 63 legislators in a room, everybody wants to talk about their

honoree. And we're not here like potted plants. But there's going to be a ceremony right after session at 5:30 where everyone will talk about -- or it will be each of you will be talked about. So don't feel neglected at all, it's simply a matter of making sure we get to the process in an orderly fashion.

With that said, could we continue the noncontroversial reading of the calendar.

ACTING PRESIDENT GRIFFO: The Secretary will continue the noncontroversial reading of the active list of May 1.

Calendar Number 131.

THE SECRETARY: Calendar Number 131, by Senator Serino, Senate Print 2167A, an act to amend the Family Court Act.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 155, by Senator Sanders, Senate Print 4406A, an act to amend the Public Health 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, 62.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 161, by Senator Addabbo, Senate Print 3070, an act to amend the Civil Service 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, 62. Nays, 1.

Senator Savino recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 303, by Senator Golden, Senate Print 7140, an act to amend the Retirement and Social Security Law.

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

The Secretary will read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 378, by Senator Ritchie, Senate Print 7164, an act to amend the Public Health 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, 63.

ACTING PRESIDENT GRIFFO: The bill is passed.

Can I have some order in the house, please.

The Secretary will continue.

THE SECRETARY: Calendar Number 397, by Senator Golden, Senate Print 6898C, an act to amend the General Municipal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 629, by Senator Persaud, Senate Print 5346A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 629, those recorded in the negative are Senators Little, Ranzenhofer and Robach.

Ayes, 60. Nays, 3.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 653, by Senator Funke, Senate Print 6038A, an act to amend the Correction Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Sanders to be heard.

SENATOR SANDERS: Thank you, Mr. President.

The next series of bills are going to be --

ACTING PRESIDENT GRIFFO: Excuse me, Senator Sanders.

I know we have a lot of visitors in the house, but I would ask please, to allow the stenographer to be able to hear, the members to explain their votes or to converse, to please give me some order in the chamber. May I please have some silence in the chamber.

Senator Sanders, you may continue.

SENATOR SANDERS: Thank you, sir. You gave me a moment to compose my thoughts. I appreciate it.

To a hammer, every problem is a nail. We're going to go through a series of bills where, while there's some legitimacy on it, I believe that there are better ways of tackling issues of crime. So I'm going to be voting no to the next series of bills, because I believe that there are better and wiser ways to tackle crime.

So I'm voting no, and I guess I will continue voting no.

ACTING PRESIDENT GRIFFO: You're going to vote no only with the exception of Calendar 865, right?

(Laughter.)

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

Is there anybody else that I see to explain their vote?

Senator Hoylman.

SENATOR HOYLMAN: Thank you, Mr. President.

I'm in support of this legislation. But I want to add that in relation to trying to prevent child sexual assault -- which our colleagues in the Assembly are doing as we speak as they vote, in a bipartisan fashion, in support of the Child Victims Act -- that I hope before the end of this session, Mr. President, we here in the Senate will do the same.

I vote aye.

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

And Senator Kavanagh to explain his

vote? No? Okay.

So anybody else? Then results.

THE SECRETARY: In relation to Calendar 653, those recorded in the negative are Senators Alcantara, Bailey, Benjamin, Comrie, Gianaris, Hamilton, Kavanagh, Krueger, Montgomery, Parker, Rivera, Sanders, Sepúlveda and Serrano.

Ayes, 49. Nays, 14.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 661, by Senator Golden, Senate Print 7797A, an act to amend the Retirement and Social Security Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 700, by Senator Golden, Senate Print 232, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Krueger to explain her vote.

SENATOR KRUEGER: Thank you, Mr. President.

I am voting no on this, and I will be voting no on a number of bills that are following that all seem to have the same pattern: They do mandatory life in prison without judicial discretion.

We did not take up the Governor's proposal to have geriatric parole and release during the budget period.

I would simply highlight that the series of bills that we are looking at today, one, seem to take the position that it is

impossible to have redemption and recognize the error of one's ways while in prison for decades and decades; and, two, will all guarantee that New York State continues to pay a greater amount of money than ever imaginable on geriatric care of extremely elderly and sick prisoners who can't possibly be a risk to society.

So I think we really need to think through what we are doing when we attempt to pass these kinds of bills. But for now, it's a no on this one.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 700, those recorded in the negative are Senators Bailey, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Rivera, Sanders and Sepúlveda.

Ayes, 54. Nays, 9.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 704, by Senator Ortt, Senate Print 1238, an act

to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 704, those recorded in the negative are Senators Bailey, Dilan, Gianaris, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Rivera, Sanders and Sepúlveda. Also Senator Serrano.

Ayes, 51. Nays, 12.

ACTING PRESIDENT GRIFFO: The bill passes.

THE SECRETARY: Calendar Number 706, by Senator Bonacic, Senate Print 2046, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 706, those recorded in the negative are Senators Bailey, Benjamin, Gianaris, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Rivera, Sepúlveda and Serrano. Also Senator Sanders. Also Senator Hamilton.

Ayes, 50. Nays, 13.

ACTING PRESIDENT GRIFFO: The bill passes.

THE SECRETARY: Calendar Number 707, by Senator Helming, Senate Print 2566, 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 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce

the results.

THE SECRETARY: In relation to Calendar 707, those recorded in the negative are Senators Bailey, Benjamin, Comrie, Gianaris, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Rivera, Sanders, Sepúlveda and Serrano.

Ayes, 50. Nays, 13.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 778, by Senator Croci, Senate Print 923, an act to amend.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Croci to explain his vote.

SENATOR CROCI: Thank you, Mr. President.

And I'd like to thank this body for once again allowing this legislation not only to

come to the floor, but it was passed last year unanimously.

I don't know if you remember 1979, but I remember 1979 as a 7-year-old going out to the front maple tree to tie a yellow ribbon around it for the hostages that were taken and held for 444 days in the U.S. Embassy in Tehran. And since that time, the greatest state sponsor of terrorism in the world remains Iran.

It started with that violation of a fundamental principle of international law, the sanctity of a foreign mission or embassy overseas, and it resulted many years later, in our lifetimes and in modern military history, with not only the hostages being taken and then finally released, but the murder of American servicemen and -women overseas using improvised explosive devices that were sent into Iraq and Afghanistan from Iran -- 500 service members killed, in one estimate from the Military Times, and thousands of others maimed and wounded.

The fundamental principles of international law and certainly the respect for all humankind has no relevance to the regime that controls what I believe to be a very educated, a

very rich and unique and diverse culture, and that is the Persian culture and the Iranian people.

So I think it's fitting and appropriate not only that this body continues to take action and ensure that we do not do business with a regime that continues to terrorize the Western world and pose a threat to our friends in the region, including the nation of Israel, and to make sure that we continue to stand as New Yorkers against this kind of vile hatred that has permeated what once was a beautiful culture and nation and will be again.

Thank you, Mr. President.

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

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, I am going to vote yes on this bill, but I want to note an objection. I just want to make certain everybody understands that I don't think it was necessary for Senator Croci to mention that he was nine years old in 1975.

(Laughter.)

SENATOR DeFRANCISCO: Oh, seven

years old, excuse me. I was so nervous when I heard, it I didn't get the -- but other than that, it's a great bill. Thank you.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT GRIFFO: The bill passes.

THE SECRETARY: Calendar Number 795, by Senator Golden, Senate Print 5594C, an act to amend the Retirement and Social Security 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, 63.

ACTING PRESIDENT GRIFFO: The bill passes.

THE SECRETARY: Calendar Number 831, by Senator Golden, Print 8015, an act to

amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect October 1, 2018.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 831, those recorded in the negative are Senators Alcantara, Bailey, Benjamin, Breslin, Comrie, Gianaris, Hamilton, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Persaud, Rivera, Sanders, Sepúlveda and Serrano. Also Senator Peralta.

Ayes, 45. Nays, 18.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 863, by Senator Ortt, Senate Print 1211, 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 first of November.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: Ayes, 61. Nays, 2. Senators Little and Montgomery recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 865, by Senator Griffo, Senate Print 2730, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Sanders, did you want to explain your vote?

SENATOR SANDERS: Yes, sir.

ACTING PRESIDENT GRIFFO: Senator Sanders to explain his vote.

SENATOR SANDERS: It is with a great turn of heart that I have to vote no on this one. I respect the author to that degree.

However, I humbly differ with him on this. There are better ways of dealing with crime. You cannot -- you can't imprison a nation. We've got to figure a new way.

Mr. President, I vote no. Sorry about that.

ACTING PRESIDENT GRIFFO: Senator Sanders in the negative.

Can we just have a show of hands again, just to make sure we have an accurate --

Announce the results.

THE SECRETARY: In relation to Calendar 865, those recorded in the negative are Senators Alcantara, Bailey, Benjamin, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Peralta, Rivera, Sanders, Sepúlveda, Serrano. Also Senator Persaud.

Ayes, 45. Nays, 18.

ACTING PRESIDENT GRIFFO: The bill

is passed.

THE SECRETARY: Calendar Number 867, by Senator Lanza, Senate Print 2819, 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.)

ACTING PRESIDENT GRIFFO: Show of hands, please.

Announce the results.

THE SECRETARY: In relation to Calendar 867, those recorded in the negative are Senators Hoylman, Kavanagh, Montgomery, Parker and Sepúlveda.

Ayes, 58. Nays, 5.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 868, by Senator LaValle, Senate Print 2997A, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the

last section.

THE SECRETARY: Section 5. 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. Just to explain.

This is the bill that would extend from 24 months to 60 months, from two years to five years, when a candidate for parole could be heard again by the Parole Board.

I can find no justification for changing our laws to prevent someone from simply attempting to submit their case for reconsideration for an entire five-year period between attempts. I think this is a giant step backwards and certainly doesn't do anything to protect the public. So I'm voting no.

Thank you, Mr. President.

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

Can I again see a show of hands,

please.

Announce the results.

THE SECRETARY: In relation to Calendar 868, those recorded in the negative are Senators Alcantara, Bailey, Benjamin, Breslin, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Peralta, Persaud, Rivera, Sanders, Sepúlveda, Serrano, Stavisky and Stewart-Cousins.

Ayes, 42. Nays, 21.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 870, by Senator Tedisco, Senate Print 4036, 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 90th day.

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. I will also be voting no against this bill.

So you read it and you think, well, three strikes and you're out for violent felonies. But -- and the strike you're out could be life without parole.

But in fact there are relatively low-level violent felonies -- and I'm not saying they're not serious, and I'm not saying anybody should be committing them. But the concept that you might be a drug addict and have robbery at three 7-11 stores over a certain period of your addiction and as a result go to jail for life, I find to be very troubling.

We are continuing to extend penalties in prison for longer and longer periods when there is no research that shows extensions of these penalties do anything to either change behaviors or protect the public -- again, I think an overreach or even a step backwards in penal law in New York State.

I'm voting no.

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

Senator Tedisco to explain his vote.

SENATOR TEDISCO: Thank you, Mr. President.

Let me just read what some of the crimes are in these persistent violent felons. Crimes include second-degree murder, first- and second-degree manslaughter, kidnapping, first-degree rape, first- or second-degree robbery, burglary, arson and gang assault.

You know, over the past couple -- two or three weeks I've been watching the second floor and the ideas and the concepts and the executive orders which have been coming out of there which my colleagues on the other side of the aisle seem to embrace and support. Not too long ago, one of them was to eliminate or reduce drastically bail.

I can tell you, I've talked to district attorneys, Republican and Democrat -- they've contacted me -- drug dealers, murderers, what they say, do not do this. Do not do this to the people you represent. These people are flee risks. They will run if you don't give them high enough bail to get them off the streets and hold them for -- to go before the judiciary.

And then another beautiful

presentation that we have, 35,000 felons, some of them murderers, some of them rapists, who are on parole -- an executive order, I guess, by the Governor wants them to vote, pick the people in our communities who are elected officials. Thirty-five thousand.

Now what I hear from the other side, chronic criminals -- I repeat it, chronic criminals -- one violent felon -- and a violent felon can get an indeterminate sentence of 12 years to life to an indeterminate term of 25 years to life. And we're not talking about one time a violent felon, we're not talking about two times a violent felon, we're not talking about three -- oh, yeah, we are, three. The fourth time, the third time -- how many times are we going to allow for violent felons? Even when Drudge {ph} has three strikes, he sits down. He's out of the game.

I think they're out of the game of life when they prove that your constituents and our constituents are being endangered. Now, what are you going to say to one of your constituents, one of their family members, one of your good friends, one of your college graduates or high

school graduates who are impacted by this individual who had three times to have a bite at the apple. Served his time, came out, and killed one of those individuals. What are you going to say to them? It was a 7-11 we were trying to protect? When are we going to get to the point when enough is enough and we say we have an obligation to the honest, law-abiding citizens who we represent?

It's a good bill. We give people enough opportunities. What's it going to take, four, five, six, seven? How many people have to be killed before you guys decide maybe a part of this thing is to get people off the street forever. Because I think there should be a point when that happens.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Tedisco in the affirmative.

Senator Rivera to explain his vote.

SENATOR RIVERA: Thank you, Mr. President.

So I have a few issues that I'd like to -- that I think are important to discuss here. I will be very brief. And I will say that the

picture that is painted by some of my colleagues, it's as though, number one, the criminal system is absolutely perfect and without fail.

These are the same individuals who say that we should have the death penalty. People should die, people should have their lives taken away by the state in an official way because of the crimes they commit.

If we had a criminal justice system that was perfect, that never failed, that was not racist, that was not classist, then perhaps I would agree with you.

I know that we are not talking about the death penalty in this particular piece of legislation, but it's about the same thing. It's the idea, first of all, that a criminal justice system is -- the criminal justice system that we have is absolutely perfect, so obviously anyone who is arrested is a criminal.

The way that some of my colleagues speak about these individuals -- who are some of our constituents, are some of our family members -- it's as though they were stricken with a plague. This is the same language, ladies and gentlemen, I'll remind you, that was used for

folks that were addicted and now they're all of a sudden, you know, we treat them as -- not as criminals, when they were fiends -- and my colleague yesterday spoke about this on the floor -- when in our communities, in our black and brown communities, you had individuals who were stricken by addiction, they weren't stricken by addiction, they were criminals, they were fiends, they were, you know, crackheads and all these sorts of things.

This is exactly the type of -- and I'm about to finish, Mr. President, no worries. This is the same type of mentality, ladies and gentlemen -- this bill, along with many other ones that we're voting on today, comes from a mentality that says that anyone that is arrested or incarcerated should remain incarcerated for the rest of their lives. That we have a criminal justice system that is perfect, that is not racist, classist or anything else, and therefore we should make it harder for people to get out of prison, we should make it easier for the criminal justice system to put people away forever.

That is what we are saying no to. And that is what I'm saying no to in this piece

of legislation.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Rivera in the negative.

Senator DeFrancisco to explain his vote.

SENATOR DeFRANCISCO: I support this legislation.

And I happen to have a bill that I'm trying my darnedest to get on the calendar to vote on dealing with prosecutorial conduct. There are situations definitely where there is failure to close exculpatory evidence and the like. And, you know, there are injustices, and there's ways to deal with those injustices, including the bill that I hope to pass before I leave here.

But in any event, this is a situation, however, where I believe strongly that Senator Tedisco is right. This has nothing to do about drugs, it has nothing to do about the death penalty. It's something to do with someone who is a persistent violent felony offender who has had the opportunity to have cases appealed, have due process not once, but twice, and in this case

three times.

There comes a point in time when someone should be removed from society, and that's not us removing that person, that's the person through their conduct who has earned the right to be in jail and away from the general population.

So this is a good bill, and I vote aye.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco in the affirmative.

Senator Bonacic.

SENATOR BONACIC: Thank you, Mr. President.

I want to thank Senator Tedisco for this legislation.

And I listened carefully to Senator Rivera. You know, we have a public policy conception that the white man with money can get away with things and is not treated the same way as a poor Hispanic or a poor African-American. The system is racist.

And because we have that philosophy, we don't look at individual instances where that philosophy doesn't apply. And I don't think it

should have applied in some of the things that I've heard in Senator Tedisco's bill.

When I first came here, there were like 72,000 prisoners in jail. We're down now to about 52,000. We've made progress together. Raise the Age. We came together on issues that we could agree on for people of different color.

And I would just say to you that when we always embrace one philosophy or the other, it doesn't work. But we have made progress together in reducing the prison population, giving people another chance, concentrating on rehabilitation rather than sticking people in a cell.

So I would just ask you to keep an open mind and analyze every particular situation, rather than just saying off the top of our head the system is racist, it doesn't work, ba-ba, it's imperfect, and we always vote a certain way. That doesn't serve either side.

I vote yes, though, on this bill.

Thank you, Mr. President.

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

Senator Funke to explain his vote.

SENATOR FUNKE: Mr. President, thank you.

I want to thank Senator Tedisco for this legislation.

I want to relate three specific instances that have happened in my community in Rochester over the past several years.

Korane Womack was released on parole after a first-degree robbery conviction, and within days sexually attacked two women.

Another incident occurred in 2016. The body of Ashley Arroyo-Bautista was found in a home, and the man charged with killing her was out on parole for an attempted robbery conviction at the time of that crime.

And last March, Charlotte Lahr died after being beaten and stabbed during a robbery attempt at the liquor store she owned. In that most recent case, the parolee under arrest had a criminal record dating back to 1977 that included two violent armed robberies, each involving the use of a knife and in violating parole twice.

We simply cannot sit back and do nothing. Not only do some want to do nothing, but many, it seem, want to make things easier for

these folks. They reason that people have served their time and we need to welcome offenders back into society.

But we can't bring back Charlotte. And we can't bring back Ashley, can we? Who is going to speak for the victims if not for us?

I vote aye, Mr. President. Thank you.

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

Senator Lanza to explain his vote.

SENATOR LANZA: Thank you, Mr. President.

I'm going to vote in favor of this legislation. I have to say I do so with a heavy heart, because I listened to my colleagues across the aisle. And I consider it a tragedy anytime one of our brothers or sisters, one of God's children, has their liberty taken away and is in jail. I long for the day that no one should have to live that plight.

Senator Rivera said the system is not perfect. Nothing or no one is perfect, I understand that. I don't have a perfect answer, but I do know this. There are people being

killed in our community. People are being raped, people are being harmed, people are victims of domestic violence. And when someone continues to commit those crimes, I don't know -- and I'm going to admit to this body, to my colleagues, I don't know what better answer there is.

One day we may have that answer, but right now I'm not sure what else we can do but to say: We've got to keep you away from the next victim. We've got to make sure that next victim does not become a victim.

A couple of bills ago -- the system is not perfect. I didn't speak. I watched some of my colleagues vote no on my legislation, Senate 819. A few years ago a bright light, a person of color in my community, who lived at the Berry Homes, 20 years old, Cesar Sanchez was gunned down. He was gunned down by someone who had killed someone at that very spot, another young person, six years before, who was paroled. He pled down to manslaughter.

Cesar Sanchez was the light of our community. He ran a basketball program. He helped people of color and young people of every persuasion and color to get out of that

situation. He was loved by all.

He had absconded. Parole knew that he had absconded. And the law enforcement was not notified. They could have picked him up. They could have found out that by virtue of the fact that he absconded, that he was in a bad place and a bad way.

And if my bill that some of you voted against was the law, they would have picked him up, the perpetrator. They may have helped him. But more importantly, Cesar Sanchez would be alive.

So I get it, nothing is perfect. But we've got to figure out policies, my friends and my colleagues, that protect innocent people. And I think this bill imperfectly does that. But in the absence of another answer, I don't know what we ought to do except vote in the affirmative on this legislation.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Senator Lanza in the affirmative.

Senator Parker to explain his vote.

SENATOR PARKER: Thank you, Mr. President. To explain my vote.

You want answers? No -- anyway --

(Laughter.)

SENATOR PARKER: I want to just thank my colleagues for bringing up this very important debate.

I think that all of us in fact agree that there is way too much crime in our communities, way too much crime across the state, and really a lot of victims who are not -- and a lot of families who are being impacted. And I think that districts like mine I think are impacted way more than we should be.

But I also think there are a lot of answers that we're not taking up, and I think that's where some of the frustration comes from myself and some of my colleagues. We know that if we want to reduce gangs, that we need to increase after-school programs, school-based activities, add music, art, athletics and dance as regular parts of the curriculum, engage our young people in a way that we have not done that.

We have not had that conversation on this floor. We have not brought bills to our Legislature that in fact address those issues, that provide more funding for those kind of

programs.

We also understand that we need to be more preventative and more treatment around drug addiction and -- you know, whether it's opiates or other kinds of drug addiction. And again, we have not had enough conversation on those kind of issues.

We also know that if you want to stop people from committing crimes, most of which are based in economics, that we have to create full-time jobs at a living wage with benefits. We don't believe, and I certainly don't believe, that, you know, the prison-industrial complex is the way to create economic development. We need to have more conversations about real small and microbusiness development, about how do we increase both opportunities and funding, you know, for small businesses, for microbusinesses across the state.

Because at the end of the day, we know that large corporations are not where the real jobs are created. The real jobs are created on Main Street, with all due respect, not on Wall Street.

And so I am committed to that and

certainly am reaching my hand across to my colleagues to say let's have those conversations, let's bring forth some economic opportunities.

We are clear, though, that the old Rockefeller Drug Laws did not work. We are very clear that mandatory minimums do not work in terms of reducing crime. And we're very clear that having just kind of arbitrary and capricious laws that take away judicial discretion do not make our streets safer, our communities safer, or things better for us.

And so I'm looking forward to our continuing work together as we look to make the state safer and make our communities the places that we want to raise our families.

Thank you, Mr. President.

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

Senator Benjamin.

SENATOR BENJAMIN: Mr. President, I am voting aye on this bill, but because I try to be consistent in my views and philosophies. I believe that violent crimes are terrible things, and we have to look at those very differently than how we look at nonviolent crimes. That's my

opinion.

However, I'm a little baffled because just a few weeks ago, we had a bill on the floor that basically said that if you were convicted of domestic violence, if you are a domestic abuser, that you should not be allowed to carry firearms. I think that's a very fair and reasonable bill, yet I saw a number of hands shoot up on the other side in opposition to that.

Then we come back today, and now all of a sudden there's a different view. I don't think that's consistent. And I'm not sure why that's the opinion. But if you believe that violent offenders should have life imprisonment without parole, then you should also believe that those who are convicted domestic abusers should not carry firearms so that they can end up becoming those who end up having to need life imprisonment without parole.

It doesn't make any sense to me. But I am voting aye. I just want to say that. But I think while we're talking about it let's all have an open mind, I think there should be an open mind on the other side about some of the inconsistencies in your philosophy.

Thank you.

ACTING PRESIDENT GRIFFO: Senator Benjamin in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar 870, those recorded in the negative are Senators Alcantara, Bailey, Breslin, Comrie, Dilan, Gianaris, Hamilton, Kavanagh, Kennedy, Krueger, Montgomery, Parker, Peralta, Rivera, Sanders, Sepúlveda, Serrano and Stavisky. Also Senator Stewart-Cousins.

Ayes, 44. Nays, 19.

ACTING PRESIDENT GRIFFO: The bill passes.

THE SECRETARY: Calendar Number 871, by Senator LaValle, Senate Print 4821, an act to amend the Executive Law.

SENATOR KLEIN: Lay the bill aside.

ACTING PRESIDENT GRIFFO: Lay it aside.

THE SECRETARY: Calendar Number 872, by Senator Golden, Senate Print 5399A, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 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 872, those recorded in the negative are Senators Gianaris, Hoylman, Kavanagh, Krueger, Montgomery, Parker and Sepúlveda.

Ayes, 56. Nays, 7.

ACTING PRESIDENT GRIFFO: The bill passes.

THE SECRETARY: Calendar Number 875, by Senator Lanza, Senate Print 6200A, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 63.

ACTING PRESIDENT GRIFFO: The bill passes.

THE SECRETARY: Calendar Number 876, by Senator Robach, Senate Print 6348, an act to amend the State Finance 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, 63.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 878, by Senator Little, Senate Print 7370, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Little to explain her vote.

SENATOR LITTLE: Thank you, Mr. President.

And thank you to my colleagues who are supporting this piece of legislation.

My favorite city in this entire state is Glens Falls, New York, where I was born and raised. And at one time Life magazine named Glens Falls, New York, Hometown USA.

But on August 11th of 2017, a 21-year-old man entered the home of a young woman, 33 years old, Crystal Riley and her 4-year-old daughter Lilly Frasier, and killed them with a knife. With a kitchen knife, he slit their throats and strangled them. Horrible tragedy in the city, took away both of these people's lives.

So I have a bill, and it is in regard to this horrible incident, to say that first-degree murder would carry a penalty of life without parole.

First-degree murder is not something, in my mind, that warrants leniency. It is intentional and brutal and deserves no less

than the severest penalty.

And certainly for this 21-year-old man, this would have been the severest penalty. He could have gotten 20 to 25 years. He actually pled guilty and got 44 years to life. But he could be out when he is 65 years old. Yes, life without parole is a severe penalty. But think about the severity of the penalty he gave 33-year-old Crystal Riley and 4-year-old Lilly Frasier.

I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 878, those recorded in the negative are Senators Alcantara, Bailey, Benjamin, Comrie, Dilan, Gianaris, Hamilton, Hoylman, Kavanagh, Krueger, Montgomery, Parker, Peralta, Rivera, Sanders, Sepúlveda and Stewart-Cousins. Also Senator Serrano.

Ayes, 45. Nays, 18.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number

879, by Senator Ritchie, Senate Print 7531B, an act to amend the Executive Law.

ACTING PRESIDENT GRIFFO: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 90th day.

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 62. Nays, 1. Senator Montgomery recorded in the negative.

ACTING PRESIDENT GRIFFO: The bill is passed.

THE SECRETARY: Calendar Number 880, by Senator Murphy, Senate Print 7976, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Senator Murphy to explain his vote.

SENATOR MURPHY: Thank you, Mr. President.

I don't know how anybody could vote against this common-sense piece of legislation that is protecting our first responders.

I can summarize my remarks with two words: Herman Bell. Here's a guy who set up two of our NYPD police officers, called in a fake emergency, a 911, had two of our NYPD cops come up and shot them, one 22 times. A disgrace.

What this bill does is to protect our firefighters that are running into the building while it's burning, that we call to come and protect us -- our police officers that are taking bullets on the streets to make sure that we are all protected -- for our EMTs, to make sure when they show up, when you're in a car accident or you've been hurt, that they can get you in the ambulance and get you to the hospital safe.

That's what this bill does. This bill protects everybody. But most importantly, it protects the people that come running to our rescue. First-degree murder with intent. That's not too hard to ask. Our police, our first

responders are out there, they're under attack. It's our obligation to protect these people that protect us.

Mr. President, as far as I'm concerned, you murder a hero, you go to jail for life. No parole, no questions asked.

Thank you, Mr. President.

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

Announce the results.

THE SECRETARY: In relation to Calendar 880, those recorded in the negative are Senators Bailey, Comrie, Gianaris, Hoylman, Krueger, Montgomery, Parker, Rivera, Sanders, Sepúlveda. Also Senator Kavanagh. Also Senator Serrano.

Ayes, 51. Nays, 12.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that concludes the noncontroversial reading of the active-list calendar.

SENATOR DeFRANCISCO: Yes. I understand that Calendar 871 was laid aside. Would you lay that aside for the day.

ACTING PRESIDENT GRIFFO: Calendar Number 871, Bill 4821, is being laid aside for the day.

So accordingly, that now concludes the noncontroversial reading of the entire active list.

SENATOR DeFRANCISCO: I'll now call an immediate meeting of the Rules Committee in Room 332.

From that Rules Committee list, one bill will be brought to the floor for a vote.

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

The Senate will stand temporarily at ease.

(Whereupon, the Senate stood at ease at 4:38 p.m.)

(Whereupon, the Senate reconvened at 4:56 p.m.)

ACTING PRESIDENT GRIFFO: The Senate will return to order.

Senator DeFrancisco.

SENATOR DeFRANCISCO: Can we return

to motions and resolutions.

ACTING PRESIDENT GRIFFO: We will return to motions and resolutions.

SENATOR DeFRANCISCO: It's my understanding that there's a Rules Committee report at the desk.

ACTING PRESIDENT GRIFFO: There is a Rules Committee report at the desk, and the Secretary will read.

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

Senate Print 1116A, by Senator Akshar, an act to amend the Real Property Tax Law;

Senate 1126A, by Senator Akshar, an act to amend the Executive Law;

Senate 1469A, by Senator Ritchie, an act to amend the Education Law;

Senate 2120A, by Senator O'Mara, an act to amend the Tax Law;

Senate 2124B, by Senator Jacobs, an act to amend the Education Law;

Senate 2133, by Senator Gallivan, an act to amend the State Administrative Procedure

Act;

Senate 2232A, by Senator LaValle, an act to amend the Education Law;

Senate 2779, by Senator Kennedy, an act to amend the Highway Law;

Senate 2999A, by Senator LaValle, an act to amend the Economic Development Law;

Senate 3042, by Senator Gianaris, an act to amend the New York City Civil Court Act;

Senate 3059A, by Senator Addabbo, an act to amend the Tax Law;

Senate 3270A, by Senator Parker, an act to amend the Economic Development Law;

Senate 3392A, by Senator Gallivan, an act to amend the Economic Development Law;

Senate 3739, by Senator Montgomery, an act to amend the Education Law;

Senate 4120A, by Senator Akshar, an act to amend the Executive Law;

Senate 4590A, by Senator Jacobs, an act to amend the State Administrative Procedure Act;

Senate 5828, by Senator Jacobs, an act to amend the Legislative Law;

Senate 6389, by Senator Marchione,

an act to amend the State Administrative Procedure Act;

Senate 6793A, by Senator Golden, an act to amend the Tax Law;

Senate 7031, by Senator Kavanagh, an act to amend the Vehicle and Traffic Law;

Senate 7384, by Senator Little, an act to amend the Tax Law; and

Senate 8228, by Senator Golden, an act to amend the Penal Law.

All bills reported direct to third reading.

ACTING PRESIDENT GRIFFO: Senator DeFrancisco.

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

ACTING PRESIDENT GRIFFO: All in favor of accepting the Committee on Rules report say aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

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

Senator DeFrancisco.

SENATOR DeFRANCISCO: Yes, there's a supplemental calendar at the desk, 37A. And I would request that you take up Calendar 932, Senate Print 8228.

ACTING PRESIDENT GRIFFO: We're referring now to Supplemental Calendar 37A on the desks. And it will be Calendar 932, which the Secretary will read.

THE SECRETARY: Calendar Number 932, by Senator Golden, Senate Print 8228, an act to amend the Penal Law.

ACTING PRESIDENT GRIFFO: Read the last section.

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

ACTING PRESIDENT GRIFFO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT GRIFFO: Announce the results.

THE SECRETARY: In relation to Calendar 932, those recorded in the negative are Senators Alcantara, Bailey, Benjamin, Comrie, Gianaris, Hoylman, Kavanagh, Krueger, Montgomery,

Parker, Rivera, Sanders, Serrano and Sepúlveda.

Ayes, 49. Nays, 14.

ACTING PRESIDENT GRIFFO: The bill is passed.

Senator DeFrancisco, that completes the identified calendar number before the house.

SENATOR DeFRANCISCO: Mr. President, there will be a Codes Committee meeting immediately following session in Capitol Room 124. I'm sure it will be a brief one.

ACTING PRESIDENT GRIFFO: There is a brief Codes Committee meeting in Room 124 of the Capitol following session.

SENATOR DeFRANCISCO: Also immediately following session is an Environmental Conservation meeting in Room 308.

ACTING PRESIDENT GRIFFO: In Room 308 of the Capitol, a meeting of the Environmental Conservation Committee immediately following session.

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

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

SENATOR DeFRANCISCO: In that case,

I move to adjourn until Wednesday, May 2nd, at 11:00 a.m.

ACTING PRESIDENT GRIFFO: On motion, the Senate will stand adjourned until Wednesday, May 2nd, at 11:00 a.m.

The Senate is adjourned.

(Whereupon, at 5:02 p.m., the Senate adjourned.)