

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 January 29, 2019

11 11:42 a.m.

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13
14 REGULAR SESSION

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17
18 SENATOR BRIAN A. BENJAMIN, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

4 I'll ask everyone present to please
5 rise and repeat with me the Pledge of Allegiance.

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

8 ACTING PRESIDENT BENJAMIN: In the
9 absence of clergy, I ask that everyone bow their
10 head in a moment of silent reflection or prayer.

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

13 ACTING PRESIDENT BENJAMIN: Reading
14 of the Journal.

15 THE SECRETARY: In Senate, Monday,
16 January 28, 2019, the Senate met pursuant to
17 adjournment. The Journal of Sunday, January 27,
18 2019, was read and approved. On motion, Senate
19 adjourned.

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

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: On page 10,

1 Senator Kaminsky moves to discharge, from the
2 Committee on Rules, Assembly Bill Number 2851 and
3 substitute it for the identical Senate Bill
4 1891A, Third Reading Calendar 88.

5 ACTING PRESIDENT BENJAMIN: The
6 substitution is so ordered.

7 Messages from the Governor.

8 Reports of standing committees.

9 Reports of select committees.

10 Communications and reports from
11 state officers.

12 Motions and resolutions.

13 Senator Gianaris.

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

16 I now move to adopt the
17 Resolution Calendar, with the exception of
18 Resolution 320, by Senator Gaughran.

19 ACTING PRESIDENT BENJAMIN: All in
20 favor of adopting the Resolution Calendar, with
21 the exception of Resolution 320, please signify
22 by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT BENJAMIN:
25 Opposed, nay.

1 (No response.)

2 ACTING PRESIDENT BENJAMIN: The
3 Resolution Calendar is adopted.

4 SENATOR GIANARIS: And now can you
5 please call on Senator Gaughran and -- as you
6 bring up Resolution Number 320, please read it in
7 its entirety, and then call on Senator Gaughran.

8 ACTING PRESIDENT BENJAMIN: The
9 Secretary will read.

10 THE SECRETARY: Legislative
11 Resolution Number 320, by Senator Gaughran,
12 mourning the death of Scott J. Beigel, dedicated
13 teacher, coach, and camp counselor.

14 "WHEREAS, It is the sense of this
15 Legislative Body to recognize and commend the
16 caring concern and heroic acts of individuals who
17 take prompt and appropriate action in emergency
18 situations, nobly risking their own lives in an
19 effort to preserve the lives of others; and

20 "WHEREAS, Attendant to such concern,
21 and in full accord with its long-standing
22 traditions, this Legislative Body is moved to
23 mourn the death of Scott J. Beigel, dedicated
24 teacher, coach and camp counselor; and

25 "WHEREAS, Scott J. Beigel made the

1 ultimate sacrifice on February 14, 2018, when he
2 shielded his students from gunfire during a
3 senseless act of violence at Marjory Stoneman
4 Douglas High School in Parkland, Florida; he died
5 at the age of 35; and

6 "WHEREAS, Disregarding his own
7 personal safety and acting in a manner which
8 truly exemplified the hero everyone knew he was,
9 Scott J. Beigel bravely and without hesitation
10 unlocked his classroom door to give shelter to as
11 many students as he could as an expelled,
12 disgruntled student with a semi-automatic rifle
13 stalked the halls shooting at anyone in his path;
14 and

15 "WHEREAS, Scott J. Beigel, who
16 placed his own life in peril to save others, was
17 shot outside his classroom door while trying to
18 lock it, after ushering as many students as he
19 could to safety; and

20 "WHEREAS, Born on October 22, 1982,
21 Scott J. Beigel grew up on Long Island before
22 attending the University of Miami; he was a camp
23 counselor at Camp Starlight in Pennsylvania prior
24 to accepting the position to teach geography and
25 coach cross-country at Marjory Stoneman Douglas

1 High School in 2018; and

2 "WHEREAS, Scott J. Beigel remains
3 more than a hero in the hearts of his family,
4 friends, colleagues and students; his bravery and
5 dedication to others will continue to serve as an
6 inspiration to all who had the privilege of
7 knowing him; and

8 "WHEREAS, A resident of
9 Deerfield Beach, Florida, Scott J. Beigel is
10 survived by his father, Michael Schulman and
11 mother, Linda Beigel-Schulman; and his sister,
12 Melissa Zech; and

13 "WHEREAS, Scott J. Beigel, through
14 his spontaneous and heroic actions, demonstrated
15 his character and his compassion for the welfare
16 of others, personifying, by virtue of his
17 actions, the collective concern of educators
18 across the State of New York, who voluntarily
19 respond when students, our most precious
20 resource, are subjected to perilous situations;
21 now, therefore, be it

22 "RESOLVED, That this Legislative
23 Body pause in its deliberations to mourn the
24 death of Scott J. Beigel, dedicated teacher,
25 coach, and camp counselor, and to express its

1 deepest condolences to his family; and be it
2 further

3 "RESOLVED, That a copy of this
4 resolution, suitably engrossed, be transmitted to
5 the family of Scott J. Beigel."

6 ACTING PRESIDENT BENJAMIN: Senator
7 Gaughran on the resolution.

8 SENATOR GAUGHRAN: Thank you,
9 Mr. President.

10 Today we're going to make history
11 again in this chamber as we take up some very
12 important gun reform bills that make some common
13 sense. But for me, this is about Scott Beigel,
14 who grew up on Long Island -- his life, his
15 sacrifice, and his legacy.

16 And on this cold January, where I
17 hear we're going to be getting some snow soon, I
18 have the distinct honor of welcoming his parents,
19 Linda Beigel-Schulman and Michael Schulman. They
20 came here to Albany to be here today to witness
21 what we're going to do and also to honor Scott.

22 Scott Beigel, a teacher, a son,
23 brother, coach, a friend and a true hero. He was
24 shot while protecting his students on
25 Valentine's Day, February 14th. A day of love,

1 he made the ultimate sacrifice.

2 The resolution described what
3 happened, with the shooter walking around Marjory
4 Stoneman Douglas High School. He ushered his
5 students into the classroom bravely, without any
6 hesitation. He made his classroom a sanctuary
7 for those children. He locked the door, and then
8 he was confronted by the gunman. He saved
9 many students' lives.

10 And I'd just like to read a couple
11 of things that were said by people who were
12 directly impacted in Parkland, Florida, that day.
13 One of his students, Kelsey Friend, said: "He
14 was my hero and he will forever be my hero. I'll
15 never forget the actions he took for me and for
16 fellow students in the classroom. He was an
17 amazing person, and I am alive today because of
18 him. He will be missed."

19 And then Jennifer Zeif, the mother
20 of Matthew Zeif, also credits Scott with saving
21 her son's life. She said: Matthew was the final
22 student to make it into Scott's classroom.
23 Mr. Beigel could have passed Matthew up and gone
24 in the classroom first. In that case, Matthew
25 would have been the one in the doorway and would

1 have been lost."

2 As a father, I cannot imagine the
3 pain that the Schulmans and others go through.
4 But I'm so proud of what they have done to turn
5 this tragedy into advocacy which we will be
6 acting on today.

7 You know, I almost feel like I know
8 Scott, even though I never did, because we
9 actually went to the same high school, albeit I
10 was there a lot earlier than him. But as I've
11 walked the halls there and as I've listened to
12 what the students have said, and the parents, and
13 as I've gotten to know the Schulmans, I feel like
14 I've gotten to know Scott.

15 And so nothing can fill the void of
16 losing Scott, but in Scott's honor this
17 resolution will pass today commemorating him.
18 And Mr. President, I would ask if you would
19 recognize the Schulmans, who are here with us
20 today.

21 ACTING PRESIDENT BENJAMIN: On
22 behalf of the Senate, we extend our condolences,
23 applaud's Scott's heroism. We recognize his
24 sacrifice and we thank you for your dedication to
25 his memory.

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

3 (Standing ovation.)

4 ACTING PRESIDENT BENJAMIN. The
5 question is on the resolution. All in favor
6 signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT BENJAMIN:
9 Opposed?

10 (No response.)

11 ACTING PRESIDENT BENJAMIN: The
12 resolution is adopted.

13 Senator Gianaris.

14 SENATOR GIANARIS: At the request
15 of Senator Gaughran, Mr. President, this
16 resolution is open for cosponsorship.

17 ACTING PRESIDENT BENJAMIN: The
18 resolution is open for cosponsorship. Should you
19 choose not to be a cosponsor of the resolution,
20 please notify the desk.

21 Senator Gianaris.

22 SENATOR GIANARIS: Can we now take
23 up the noncontroversial reading of the calendar.

24 ACTING PRESIDENT BENJAMIN: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number 81,
2 by Senator Kaminsky, Senate Print 101A, an act to
3 amend the Penal Law.

4 SENATOR GRIFFO: Lay it aside.

5 ACTING PRESIDENT BENJAMIN: Lay it
6 aside.

7 THE SECRETARY: Calendar Number 88,
8 substituted earlier by Assemblymember Lavine,
9 Assembly Print Number 2851, an act to amend the
10 Real Property Tax Law.

11 ACTING PRESIDENT BENJAMIN: Read
12 the last section.

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

15 ACTING PRESIDENT BENJAMIN: Call
16 the roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT BENJAMIN:
19 Announce the results.

20 THE SECRETARY: Ayes, 63.

21 ACTING PRESIDENT BENJAMIN: The
22 bill is passed.

23 THE SECRETARY: Calendar Number 89,
24 by Senator Gianaris, Senate Print 2374, an act to
25 amend the Penal Law and the General Business Law.

1 ACTING PRESIDENT BENJAMIN: Read
2 the last section.

3 THE SECRETARY: Section 5. This
4 act shall take effect on the 45th day.

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN: Senator
9 Gianaris to explain his vote.

10 SENATOR GIANARIS: Thank you,
11 Mr. President.

12 Another day in this new New York
13 State Senate, and another critically important
14 issue area that we are tackling.

15 This bill I'm very proud of. It
16 would make it easier for a background check to
17 actually be completed, because right now the rule
18 is that after three days, if a background check
19 is not completed, that the gun is authorized to
20 be issued to the prospective purchaser.

21 We have very direct examples of
22 tragedies that have occurred as a result. In
23 Charleston, someone who would have failed a
24 background check, three days passed with the
25 background check not being completed and the gun

1 was acquired, and people died as a result.

2 The important thing to remember is
3 that 90 percent of background checks are
4 completed incredibly quickly. The ones that are
5 flagged for further review mean that there is a
6 problem that needs further review. It is the
7 most backwards policy to say that when an
8 application is flagged for concern that we should
9 give away the gun before the concern is resolved,
10 and that's what our laws currently provide.

11 This bill would say that we give
12 30 days for that background check to be
13 completed before the transfer of the gun is
14 authorized. The FBI itself says on average it
15 takes about 20 to 25 days for a background check
16 that has been flagged to be completed. And this
17 is the most commonsense of commonsense proposals.

18 I'm frankly startled to see so many
19 hands go up across the aisle on this to vote in
20 the negative, but it says a lot about why we are
21 where we are and why this Senate is going to
22 change things.

23 Thank you. I vote aye.

24 ACTING PRESIDENT BENJAMIN:
25 Announce the results.

1 THE SECRETARY: Ayes, 40. Nays,
2 23.

3 ACTING PRESIDENT BENJAMIN: The
4 bill is passed.

5 (Applause from the galleries.)

6 ACTING PRESIDENT BENJAMIN: Please
7 do not clap during session, please. We like
8 silence in the Senate. Thank you.

9 THE SECRETARY: Those recorded in
10 the negative on Calendar Number 89 are
11 Senators Akshar, Amedore, Antonacci, Boyle,
12 Flanagan, Funke, Gallivan, Griffo, Helming,
13 Jacobs, Jordan, Lanza, LaValle, Little, O'Mara,
14 Ortt, Ranzenhofer, Ritchie, Robach, Serino,
15 Seward, Tedisco and Young.

16 Ayes, 40. Nays, 23.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 THE SECRETARY: Calendar Number 90,
20 by Senator Kaplan, Senate Print 2438, an act to
21 amend the Penal Law.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

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

1 shall have become a law.

2 ACTING PRESIDENT BENJAMIN: Call
3 the roll -- hold on.

4 Senator Gianaris.

5 SENATOR GIANARIS: Mr. President,
6 can we lay this bill aside temporarily. We're
7 waiting for the Assembly substitution to arrive,
8 because they just passed it moments ago.

9 ACTING PRESIDENT BENJAMIN: Lay it
10 aside temporarily.

11 THE SECRETARY: Calendar Number 92,
12 by Senator Sepúlveda, Senate Print 2448, an act
13 to amend the Penal Law.

14 ACTING PRESIDENT BENJAMIN: Read
15 the last section.

16 THE SECRETARY: Section 7. This
17 act shall take effect immediately.

18 ACTING PRESIDENT BENJAMIN: Call
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT BENJAMIN: Senator
22 Sepúlveda to explain his vote.

23 SENATOR SEPÚLVEDA: Thank you,
24 Mr. President, for allowing me to explain my
25 vote.

1 I'm grateful to the sponsor of this
2 bill -- I'm sorry. I am the sponsor of this
3 bill, so I'm grateful to myself.

4 (Laughter.)

5 SENATOR SEPÚLVEDA: I want to thank
6 Senator Stewart-Cousins and my colleagues for
7 allowing me to introduce this bill. It's an
8 important piece of legislation considering the
9 climate that we're exposed to with respect to gun
10 control and gun control regulation.

11 In 2017, bump stocks and other
12 devices that accelerate the rate of fire for
13 semi-automatic firearms came to national light
14 after the awful shooting in Las Vegas. The
15 gentleman there -- or the shooter there sprayed
16 over a thousand rounds of ammunition into a crowd
17 of concertgoers in a matter of minutes.

18 Machine guns have been illegal in
19 New York for some time now, but such add-ons pose
20 a threat to public safety that have not yet been
21 codified to remedy. These simple devices attach
22 to semi-automatic rifles to increase the firing
23 speed, essentially turning the gun into a
24 full-fledged automatic weapon.

25 An AR-15 is not necessarily for home

1 protection, and one does not need it. An
2 attachable component to fire dozens of rounds of
3 ammunition with one trigger to hunt a deer? It
4 is therefore unnecessary for everyday gun owners
5 to possess the equipment in their homes.

6 I am beyond proud to be standing
7 here today to introduce this legislation
8 alongside other legislations that are being
9 presented by my colleagues. Let's strengthen gun
10 laws that currently exist and save lives today.
11 When we have strict gun laws, there tends to be
12 less acts of violence, especially of this nature
13 with multiple shootings.

14 So this is an excellent piece of
15 legislation. Thank you, Senator Stewart-Cousins.
16 Thank you to my colleagues for voting for it.
17 And let's continue making New York State a safer
18 place for our children and our families.

19 ACTING PRESIDENT BENJAMIN: Senator
20 Amedore to explain his vote.

21 SENATOR AMEDORE: Thank you,
22 Mr. President. I rise to explain my vote.

23 This bill does nothing to make
24 anyone safer. These accessories are already
25 illegal under the state and federal laws. This

1 bill is redundant. It does nothing more than
2 attempt the political divide to the public, for
3 those that exercise their Second Amendment right
4 and those that do not.

5 These accessories are already
6 illegal under the federal and state law with the
7 enactment of the SAFE Act. Because of that, I
8 vote no.

9 ACTING PRESIDENT BENJAMIN: The
10 Senator will be recorded in the negative.

11 Announce the results.

12 THE SECRETARY: Those recorded in
13 the negative on Calendar Number 92 are
14 Senators Amedore, Antonacci, Flanagan, Gallivan,
15 Griffio, Helming, Jordan, Little, O'Mara, Ortt,
16 Ritchie, Seward, Tedisco and Young.

17 Ayes, 49. Nays, 14.

18 ACTING PRESIDENT BENJAMIN: The
19 bill is passed.

20 THE SECRETARY: Calendar Number 93,
21 by Senator Mayer, Senate Print 2449, an act to
22 amend the Executive Law.

23 SENATOR GIANARIS: Lay it aside
24 temporarily.

25 ACTING PRESIDENT BENJAMIN: Lay it

1 aside temporarily.

2 THE SECRETARY: Calendar Number 94,
3 by Senator Krueger, Senate Print 2450, an act to
4 amend the Penal Law and the General Business Law.

5 SENATOR GIANARIS: Lay it aside for
6 the day.

7 ACTING PRESIDENT BENJAMIN: Lay it
8 aside for the day.

9 THE SECRETARY: Calendar Number 95,
10 by Senator Kavanagh, Senate Print 2451, an act to
11 amend the Civil Practice Law and Rules and the
12 Penal Law.

13 SENATOR GRIFFO: Lay it aside.

14 ACTING PRESIDENT BENJAMIN: Lay it
15 aside.

16 Senator Gianaris, that completes the
17 noncontroversial reading of today's calendar.

18 SENATOR GIANARIS: Mr. President,
19 can we now return to Calendar Number 90, by
20 Senator Kaplan.

21 ACTING PRESIDENT BENJAMIN: The
22 Secretary will read.

23 THE SECRETARY: On page 10,
24 Senator Kaplan moves to discharge, from the
25 Committee on Rules, Assembly Bill 1213 and

1 substitute it for the identical Senate Bill 2438,
2 Third Reading Calendar 90.

3 ACTING PRESIDENT BENJAMIN: The
4 substitution is so ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number 90,
7 by Assemblymember Hunter, Assembly Print 1213, an
8 act to amend the Penal Law.

9 ACTING PRESIDENT BENJAMIN: Read
10 the last section.

11 THE SECRETARY: Section 2. This
12 act shall take effect on the 60th day after it
13 shall have become a law.

14 ACTING PRESIDENT BENJAMIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN: Senator
18 Kaplan to explain her vote.

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

21 I also want to take the time to
22 thank Senator Kavanagh for previously sponsoring
23 this bill both in Assembly and in Senate.

24 Under current New York law, an
25 individual who applies for a firearm license is

1 subject to a mental health background check.
2 That is done by reviewing the records of the
3 appropriate office of the Department of Mental
4 Health. It was determined that under current
5 statute that review of the records in this state
6 agency would be sufficient to reveal any mental
7 health records of a person domiciled in New York
8 State.

9 However, in 2015 the Office of Court
10 Administration proposed this legislation, as a
11 result of a civil court case involving a New York
12 resident who happened to be domiciled outside
13 New York. This case revealed a loophole that
14 would in essence allow a person who is a New York
15 resident, but does not permanently live in
16 New York, to avoid a mental health background
17 check when applying for a license, because
18 there's no language in the statute that refers to
19 obtaining mental health records from an agency
20 other than the New York Office of Mental Health.

21 This legislation fixes this
22 unintended and unanticipated loophole. The bill
23 requires that where an applicant for a firearm
24 license in New York is a resident, but that
25 they're domiciled outside New York, there must be

1 an investigation of the records of the state in
2 which the applicant is domiciled. If necessary,
3 the applicant would be required to waive any
4 confidentiality laws to enable the state to
5 review the mental health record of another state.

6 This is a commonsense and a
7 reasonable change to the current regulation to
8 ensure that all New York State residents who
9 apply for a firearm permit, whether they are
10 domiciled in New York or not, must be subject to
11 a full review of mental health records held by
12 the state where they are domiciled. This is
13 necessary to ensure the proper enforcement of
14 New York State laws and the safety of its
15 residents.

16 Thank you.

17 ACTING PRESIDENT BENJAMIN: The
18 Senator to be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: Ayes, 62. Nays, 1.
21 Senator Amedore recorded in the negative.

22 ACTING PRESIDENT BENJAMIN: The
23 bill is passed.

24 Senator Gianaris.

25 SENATOR GIANARIS: Mr. President,

1 that was Senator Kaplan's first bill to pass the
2 Senate. Congratulations.

3 (Standing ovation.)

4 ACTING PRESIDENT BENJAMIN: Senator
5 Gianaris.

6 SENATOR GIANARIS: Mr. President,
7 can we now move to continue with the
8 controversial reading of the calendar with
9 Calendar Number 81, please.

10 ACTING PRESIDENT BENJAMIN: The
11 Secretary will ring the bell.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number 81,
14 by Senator Kaminsky, Senate Print 101A, an act to
15 amend the Penal Law.

16 ACTING PRESIDENT BENJAMIN: Senator
17 Griffo, why do you rise?

18 SENATOR GRIFFO: Mr. President, I
19 ask that you recognize Senator Funke and
20 Senator Ortt on the bill before the house.

21 ACTING PRESIDENT BENJAMIN: Senator
22 Funke.

23 SENATOR FUNKE: Thank you,
24 Mr. President. Would the sponsor yield for a
25 couple of questions?

1 ACTING PRESIDENT BENJAMIN: Will
2 the sponsor -- the sponsor yields.

3 SENATOR FUNKE: Great, thank you.

4 Is the sponsor aware that there are
5 competitive high school rifle and shotgun trap
6 teams within New York State, and could you
7 explain why competitive rifle or shotgun trap
8 shooting teams were not exempted from this law?

9 SENATOR KAMINSKY: Through you,
10 Mr. President, our understanding is most of the
11 high schools and middle schools using such
12 classes use air rifles.

13 But we certainly believe that the
14 idea of keeping loaded guns out of schools is an
15 important proposition. Clearly if there's
16 information down the road that's curtailing such
17 legitimate classes, it's something we would
18 consider.

19 SENATOR FUNKE: Is that air rifles?

20 SENATOR KAMINSKY: Yes.

21 SENATOR FUNKE: Is the sponsor
22 aware of the --

23 ACTING PRESIDENT BENJAMIN:
24 Senator, are you asking the sponsor to yield for
25 a question?

1 SENATOR FUNKE: Yes. Through you,
2 Mr. President.

3 ACTING PRESIDENT BENJAMIN:
4 Senator, do you yield?

5 SENATOR KAMINSKY: Yes.

6 ACTING PRESIDENT BENJAMIN: The
7 sponsor yields.

8 SENATOR FUNKE: Is the sponsor
9 aware of the Gun-Free School Zones Act passed at
10 the federal level in 1990 and the provisions of
11 the federal Gun-Free School Zones Act that
12 prohibit possession of firearms on school grounds
13 but leave exemptions as part of an approved
14 school program such as a competitive shooting
15 team?

16 And given that we already have that
17 act in place at the federal level, why does the
18 sponsor believe that this bill is necessary?

19 SENATOR KAMINSKY: Through you,
20 Mr. President. If someone is duly licensed to
21 carry and a school board authorizes that person,
22 a teacher or other school employee, to carry on
23 school grounds, that would currently be permitted
24 under the law.

25 This law would seek to address that

1 and make sure that classroom teachers are not
2 going to be carrying or in possession of loaded
3 weapons, even despite that federal regulation.

4 SENATOR FUNKE: Through you,
5 Mr. President, will the sponsor yield for another
6 question?

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield?

9 SENATOR KAMINSKY: Yes.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR FUNKE: Clearly this bill
13 is designed to prohibit teachers from carrying
14 firearms. Notwithstanding any section of law of
15 the contrary, it says no school shall authorize a
16 teacher to carry a firearm, thus avoiding the
17 unintended consequences.

18 Why not just write a bill that says
19 teachers can't carry firearms?

20 SENATOR KAMINSKY: Through you,
21 Mr. President, I think this is a better bill than
22 that.

23 SENATOR FUNKE: On the bill,
24 Mr. President.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Funke on the bill.

2 SENATOR FUNKE: What I see in this
3 bill is something I see in many bills that we've
4 considered so far this session:

5 Well-intentioned, poorly written, not properly
6 vetted, with negative unintended consequences.

7 The goal of this bill is to make
8 sure that teachers can't be armed. And I may or
9 may not agree with that goal, but a bill saying
10 that at least would be clear-cut and
11 straightforward. This one is not. And I believe
12 it's going to deprive athletes in our shooting
13 sports opportunities to compete at the highest
14 levels of their sport.

15 When we talk about guns in this
16 chamber, we tend to always talk about and debate
17 murderous, illegal activity. And we don't talk
18 enough about the recreational side of gun
19 ownership. You see, in upstate New York there
20 are competitive shooting teams attached to
21 schools. Those downstate might not be aware of
22 that or care about that, but those of us upstate
23 certainly do. And it's just a way that our
24 culture is a little bit different upstate than it
25 is in New York City.

1 Seventy high school teams with 1300
2 students competed in the State Clay Target
3 Championships, a big competition held at
4 West Point every year.

5 This bill effectively robs our
6 future generations of young people from having
7 the opportunity to learn how to intelligently,
8 safely and properly handle firearms when they
9 would otherwise not have the mentors or the
10 financial means to do that. Not everybody can
11 join a gun club. The fact of the matter is that
12 these competitions and the practice sessions that
13 happen each and every day, with shotguns and with
14 rifles and with thousands of students
15 participating across New York, are important.

16 We have several members of the USA
17 National Development Shooting Team. And the
18 Olympic Biathlon Team from our state, as well as
19 Olympic medalists in shooting sports, including
20 Jason Turner, who won a Bronze Medal in 2008.

21 In competitive high school rifle
22 shooting, 19 -- 19 of the last 31 individual
23 state champions have been female.

24 Thanks to this bill, the opportunity
25 for future youth to be all they can be is being

1 ripped from under them. The chance to be part of
2 a team, building lifelong relationships and
3 character while chasing the height of athletic
4 achievement, an Olympic medal, will be thrown
5 away. And that is the reason that I vote nay.

6 Thank you, Mr. President.

7 ACTING PRESIDENT BENJAMIN: Senator
8 Ortt.

9 SENATOR ORTT: Would the sponsor
10 yield to a few questions?

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR KAMINSKY: Yes.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR ORTT: Thank you. Through
17 you, Mr. President.

18 Is the sponsor supportive of the
19 concept of local control, the concept where local
20 school districts elected by that community and
21 administrators hired by that school board make
22 decisions that are in the best interest of their
23 students and teachers?

24 SENATOR KAMINSKY: Through you,
25 Mr. President, I certainly understand the point,

1 and in many situations that makes sense. In this
2 case I don't believe it does. And having a
3 blanket law that prohibits classroom teachers
4 from being armed I think is much safer and makes
5 more sense.

6 I think back to my fourth or
7 fifth-grade classroom and I wonder where
8 Miss Traven or Miss Meisel or my English teacher,
9 Mr. Epstein, would have kept a loaded weapon in
10 his classroom. I wonder whether they would have
11 put it on his or her person and what happens if
12 someone would have to break up a fight.

13 I can't think of any space where
14 only a teacher could be guaranteed to have access
15 to that weapon, yet nobody else. And there are,
16 unfortunately, replete examples throughout our
17 society of when this has happened and gone wrong.

18 Since Parkland, which we will
19 address momentarily, over 250 school districts
20 have decided to arm teachers as a result. It's
21 been in the Parkland Commission Report, it's
22 something the president has advocated for
23 repeatedly. But we can't ignore the number of
24 situations in which a gun in a school has not
25 gone right.

1 Just in Suffolk County recently
2 there was a school resource officer who left a
3 gun on the bathroom sink. There are students who
4 accidentally fired a liaison officer's holstered
5 gun in February, just about a year ago.

6 So I understand the point of local
7 control, but we believe that in this case it is
8 more dangerous to have a gun within a school and
9 also distracts us from the real problems, which
10 are taking dangerous weapons out of the hands of
11 dangerous people.

12 And when we decide that the answer
13 are more guns and schools become an armed camp,
14 then what's to stop somebody going to a movie
15 theater or a grocery store or a deranged person
16 going to City Hall or to any office?

17 So we believe that despite our
18 preference for wanting school boards to use the
19 power that they've been given by the people who
20 elect them, that this is the wiser course.

21 SENATOR ORTT: Through you,
22 Mr. President, would the sponsor continue to
23 yield?

24 ACTING PRESIDENT BENJAMIN: Will
25 the sponsor yield?

1 SENATOR KAMINSKY: Yes.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR ORTT: So just so I'm
5 clear, Mr. President, so my understanding of that
6 answer is the sponsor believes in local control
7 sometimes. And he's free at some point to maybe
8 disabuse me of that notion.

9 The sponsor referenced SROs, an SRO
10 left a gun on a sink, and wants guns out of
11 school. Does the sponsor support SROs and the
12 ability for them to carry weapons in schools?

13 SENATOR KAMINSKY: Yes, the bill
14 permits that if there is somebody -- through you,
15 Mr. President -- who is licensed by the state to
16 carry, is a licensed security personnel who can
17 be armed, a school can opt to have that person
18 armed in a school.

19 SENATOR ORTT: Through you,
20 Mr. President, would the sponsor continue to
21 yield?

22 SENATOR KAMINSKY: Yes.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR ORTT: How many educational

1 institutions, to the sponsor's knowledge, have
2 issued written authorization for a non-police
3 officer to carry a firearm?

4 SENATOR KAMINSKY: I have no idea.

5 SENATOR ORTT: Mr. President, I
6 didn't hear the answer.

7 SENATOR KAMINSKY: I have no idea.

8 SENATOR ORTT: You have no idea,
9 okay. Do you know if this -- through you,
10 Mr. President, does the sponsor continue to
11 yield?

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR KAMINSKY: Yes.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR ORTT: Does the sponsor
18 know of any instances in our state, in New York,
19 where someone has been harmed or killed due a
20 teacher or staff member carrying a legally owned
21 firearm?

22 SENATOR KAMINSKY: Through you,
23 Mr. President, I cannot say I know of any
24 instances where someone's been harmed by it. But
25 I certainly know there have been cases where guns

1 have been unsecured and people have been placed
2 in harm's way.

3 But thankfully the idea of doing
4 government well is you, you know, try to put the
5 traffic light on the intersection before the
6 accident, so to speak. So we obviously want to
7 pass this before such a harm could occur.

8 SENATOR ORTT: Through you,
9 Mr. President, does the sponsor continue to
10 yield?

11 SENATOR KAMINSKY: Yes.

12 ACTING PRESIDENT BENJAMIN: The
13 sponsor yields.

14 SENATOR ORTT: Under the bill,
15 Mr. President, what would constitute school
16 grounds?

17 SENATOR KAMINSKY: School grounds
18 is currently defined in the Education Law.

19 SENATOR ORTT: Through you,
20 Mr. President, will the sponsor continue to
21 yield?

22 SENATOR KAMINSKY: Yes.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR ORTT: Would the sponsor

1 elucidate me on that definition?

2 SENATOR KAMINSKY: I will elucidate
3 away. One moment.

4 Through you, Mr. President, it is a
5 building or grounds used for educational purposes
6 of any school, college or university.

7 SENATOR ORTT: Through you,
8 Mr. President, will the sponsor continue to
9 yield?

10 SENATOR KAMINSKY: Yes.

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield -- the sponsor yields.

13 SENATOR ORTT: So my understanding
14 of that would be that if a teacher who had a
15 pistol permit and was licensed to carry had a
16 firearm, a pistol in his car in the parking lot,
17 that would constitute a violation under this
18 bill.

19 SENATOR KAMINSKY: Yeah, it
20 depends -- I mean, this is certainly nothing to
21 make light of, but it depends if the parking lot
22 is used for an educational purpose.

23 SENATOR ORTT: Through you,
24 Mr. President, will the sponsor continue to
25 yield?

1 ACTING PRESIDENT BENJAMIN: Does
2 the sponsor yield?

3 SENATOR KAMINSKY: Yes.

4 ACTING PRESIDENT BENJAMIN: The
5 sponsor yields.

6 SENATOR ORTT: In the sponsor's I
7 guess opinion, Mr. President, does he feel that
8 a -- if there was a shooter at a school, who
9 could apprehend that shooter faster, an on-site
10 school employee, be it SRO or a teacher, or an
11 off-site responder?

12 SENATOR KAMINSKY: Through you,
13 Mr. President, I certainly understand what the
14 Senator's point is. But our goal should be to
15 ensure, to the best of our ability, that nobody
16 with bad intent is bringing a loaded gun to
17 school so that there can be a shooting in the
18 first place.

19 And this is a point that both sides
20 have made repeatedly. This means more money to
21 schools to harden their infrastructure, more
22 mental health counseling. But it also has to
23 mean addressing the person and the weapon, and
24 that's certainly what we're trying to do today in
25 a targeted, limited fashion. And certainly we'll

1 take that up with Senator Kavanagh's legislation.

2 But this bill means a few things.

3 It means that we believe there would be more harm
4 having a teacher roaming the hallways looking for
5 an active shooter than there would be if the
6 teacher was putting him or herself in a safe
7 position and waiting for the proper licensed and
8 trained authorities to take that on.

9 I've talked to hundreds of teachers,
10 99.9 percent of whom don't want this
11 responsibility and just want to make sure that
12 their leaders are trying to keep them as safe as
13 possible and not putting them in that awful
14 position.

15 So of course there will be many
16 times where someone who has a weapon on his or
17 her person will be the first person on the scene.
18 But there's also going to be plenty of times
19 where a gun is going to be left in the bathroom
20 or someone gets, God forbid, shot in the
21 crossfire. Or a teacher comes around a corner
22 and shoots somebody who's not the active shooter.
23 These are all situations we want to avoid.

24 The superintendent of the Rockville
25 Centre School District, who's very well

1 respected, once said it to me in a folksy but
2 very succinct way: You don't solve problems with
3 more problems.

4 SENATOR ORTT: Through you,
5 Mr. President, will the sponsor continue to
6 yield?

7 SENATOR KAMINSKY: Yes.

8 ACTING PRESIDENT BENJAMIN: The
9 sponsor yields.

10 SENATOR ORTT: I think I heard the
11 sponsor say that he did support school resource
12 officers. So I'll ask the question again more
13 specific, but I just want to hear the answer.

14 Does the sponsor believe that the
15 presence of trained, armed individuals in schools
16 helps keep schools safer?

17 SENATOR KAMINSKY: Through you,
18 Mr. President, it depends who they are. Not
19 classroom teachers.

20 SENATOR ORTT: Through you,
21 Mr. President, will the sponsor continue to
22 yield?

23 ACTING PRESIDENT BENJAMIN: Does
24 the sponsor yield?

25 SENATOR KAMINSKY: Yes.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

3 SENATOR ORTT: Would the sponsor be
4 willing to include or publicly state his support
5 to include money in the State Budget so that
6 every school who wanted an SRO could have one?

7 SENATOR KAMINSKY: Through you,
8 Mr. President. Clearly the idea is to give all
9 of our schools -- every child is equal no matter
10 where they live in New York State -- have the
11 opportunity to have the safest school possible.

12 So to the extent we can, we should
13 be giving schools whatever resources they need to
14 be safe, make sure their students are physically
15 and mentally healthy and protected. So of course
16 I share that sentiment.

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

19 ACTING PRESIDENT BENJAMIN: Senator
20 Ortt on the bill.

21 SENATOR ORTT: I thank the sponsor
22 for the back-and-forth.

23 You know, there were several
24 statements that were made that I think sort of
25 identify my opposition and many of my colleagues,

1 and the flaws in this bill.

2 The notion that -- the sponsor said
3 several times we should be removing all guns from
4 schools, when we know that many of these
5 shootings occur in gun-free zones to begin with.
6 That's not an accident. Those are soft targets,
7 which means shooters, people who may have mental
8 illness or what else have you, they seek out soft
9 targets, in many cases schools, because they know
10 there is no one else to stop them on whatever
11 damage or murderous rampage they want to go on.

12 So removing and denying someone
13 their constitutionally protected and already
14 exercised right is problematic enough. What this
15 bill really is about, now we're telling school
16 districts.

17 So last week we heard a lot about,
18 or a couple of weeks ago, local control and APRR
19 and decoupling and education and schools should
20 be made to allow to do that, and teachers should
21 be focused on teaching and nothing else. But now
22 we want teachers to be mental health
23 professionals.

24 And we're also telling school
25 districts, who are elected by their constituents,

1 that you actually cannot make decisions that you
2 feel could make your school safer.

3 It's really not about what the
4 sponsor believes or anyone else in this chamber
5 believes. It's about what those elected school
6 board administrators and parents believe makes
7 their schools safer. That's why you have an
8 elected school board and why you have
9 superintendents.

10 And so while people in this room may
11 not agree with that decision -- which I may add
12 we're unaware, the sponsor, even myself is
13 unaware that there's been a school district that
14 has actually issued such an authorization. So
15 this is, to me, yet another solution in search of
16 a problem at best.

17 But, you know, we believe in local
18 control sometimes, we believe in rights
19 sometimes -- except when, it seems in this
20 chamber more and more, and in this city and in
21 this state more and more, when it comes to the
22 rights of gun owners, when it comes to the rights
23 protected under the Second Amendment. Those
24 rights are sort of fuzzy. Those rights are sort
25 of fungible. We could kind of mess around with

1 those ones.

2 And that is a problem for me, I know
3 it's a problem for many of my constituents, and
4 it should be a problem for anyone in this room.
5 Because if you can mess around with the Second
6 Amendment, if you can restrict that, it's going
7 to make our schools less safe, which I believe
8 this bill actually makes it less safe.

9 This is about politics. The
10 president and some conservatives across the
11 country made a statement earlier last year they
12 wanted teachers to be armed. So now we're
13 actually going in the other direction and saying
14 we prevent them from being armed or even
15 considering it.

16 And so for those reasons, along with
17 a host of other ones on this whole package,
18 Mr. President, I vote nay.

19 ACTING PRESIDENT BENJAMIN: Are
20 there any other Senators wishing to be heard?

21 Senator Lanza.

22 SENATOR LANZA: Thank you,
23 Mr. President. On the bill.

24 ACTING PRESIDENT BENJAMIN: Senator
25 Lanza on the bill.

1 SENATOR LANZA: I rise to state the
2 reasons why I will be voting in the negative on
3 this piece of legislation. Aside from the flaws
4 that I think were so aptly pointed out by my
5 colleagues Senator Funke and Senator Ortt, I have
6 other concerns.

7 You know, we're all concerned about
8 school safety. And there is a lot that we can do
9 to make our schools safer for our children. I
10 would submit to my colleagues here, though, that
11 this legislation is nothing more than a political
12 red herring. It does nothing to advance the
13 cause of safety in our schools.

14 I take my colleague Senator
15 Kaminsky's characterization of Miss Traven and
16 Miss Meisel that they ought not carry guns. But
17 the fact of the matter is, Mr. President, no one
18 is proposing that every teacher in the State of
19 New York ought to be armed. No one is even
20 suggesting that most or any teacher must be
21 armed.

22 But this legislation would
23 guarantee, in those rare instances where it might
24 be appropriate and prudent in certain school
25 districts where you have certain opportunities to

1 allow that to happen -- for instance, you might
2 have a teacher, a woman who went through
3 West Point, fought, defended this country in
4 combat and is now a teacher, who might want to
5 volunteer to be part of the school safety net and
6 carry a firearm. That school district must say
7 no to that person if this becomes law.

8 You may have a former police officer
9 who in the same way might want to bring their
10 experience, their training, and incorporate what
11 they bring to the table in order to be part of
12 the safety net of that school. Again, that
13 school district must say no. And I think that
14 doesn't make any sense whatsoever.

15 I've heard this idea that more guns
16 is not the answer. But certainly guns in the
17 appropriate hands is the answer. Otherwise, we
18 would strip guns from our police officers and our
19 troopers. We wouldn't have armed air marshals on
20 our planes, which we know is effective.

21 So again, guns in the right hands
22 can be part of the solution, part of the defense
23 of our children.

24 You know, as long as this state
25 refuses to put an armed police officer in every

1 school, my fear, as long as we keep talking about
2 bills like this, is that the only bad guys
3 carrying guns -- the only people carrying guns in
4 schools are going to be the bad guys. And that's
5 a problem. And this bill does not address that
6 in any way, shape or form. When it comes to
7 school safety, this bill misses the mark
8 horribly, pun intended.

9 I'm going to vote in the negative on
10 this legislation. Thank you, Mr. President.

11 ACTING PRESIDENT BENJAMIN: Are
12 there any other Senators wishing to be heard?

13 Seeing and hearing none, the debate
14 is closed. The Secretary will ring the bell.

15 Read the last section.

16 THE SECRETARY: Section 2. This
17 act shall take effect on the same date and in the
18 same manner as Chapter 363 of the Laws of 2018.

19 ACTING PRESIDENT BENJAMIN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BENJAMIN: Senator
23 Ranzenhofer to explain his vote.

24 SENATOR RANZENHOFER: Yes, thank
25 you, Mr. President. I rise today to explain my

1 vote.

2 And if this bill was simply a bill
3 which said that they're banning teachers being
4 trained and using them as the first line of
5 defense in schools, then I would support that,
6 because I don't believe in arming my daughter's
7 music teacher or my son's French teacher.

8 But to pass a bill which says that
9 somebody who is licensed to carry a firearm and
10 they cannot be on the school grounds, and as a
11 result, you're breaking the law, is wrong.

12 If you live in the town that I live
13 in, the Town of Amherst, and you are a police
14 officer and you want to pick up your kids after
15 school and you're going to be breaking the law by
16 driving onto the school grounds because you have
17 a gun, that is wrong.

18 If you are a teacher in the school
19 and you have a license to carry that gun, you've
20 been trained, to say that you can't even keep it
21 in the parking lot but you have to keep it at
22 home, that is wrong.

23 If you want to say that if you have
24 a shooting club at the Clarence High School in my
25 district, where you have 20 or so students

1 participating in a sport which they feel is very
2 important and their parents feel is very
3 important, and you are now breaking the law if
4 you carry on that shooting club, I believe that
5 is wrong.

6 So for those reasons, Mr. President,
7 I'll be voting no.

8 ACTING PRESIDENT BENJAMIN: Seeing
9 and hearing no other Senators wishing to explain
10 their vote, Senator Kaminsky to close.

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

13 I wish we didn't have to take this
14 topic up today. I wish this were another ho-hum
15 day in January where we could be doing other
16 mundane things. But because our leaders
17 throughout the country and closer to home have
18 really done almost nothing in the face of mass
19 shootings in our schools, today's action is
20 absolutely necessary.

21 I wish these names were not singed
22 in our minds, etched in our brains. Las Vegas
23 now means something different to us.
24 Virginia Tech means something different to us.
25 San Bernardino is not just some city in

1 California. And Parkland is not just a city in
2 Florida.

3 Massacre after massacre, and we here
4 sit -- if we're fortunate enough, thankfully, not
5 to be part of it -- in front of our TV screens
6 watching students with their hands over their
7 heads paraded out of schools and wonder when is
8 somebody going to do something.

9 Now, the reaction by many across the
10 country has been to arm teachers. That is wrong,
11 and that is a mistake. And I will say more on
12 that in a minute. But the people who helped get
13 us here and helped understand this are two. One
14 group are the young students that I and many of
15 us have talked to in the hundreds in the course
16 of the last year. They decided after Parkland
17 that they were not just going to go to school and
18 take their tests and go home. They decided that
19 if no one's going to speak up for them, they were
20 going to speak up for themselves.

21 And today's legislation that many of
22 us have carried -- and Senator Kavanagh will
23 speak about momentarily, and that our leader has
24 brought us here to introduce and pass today -- is
25 the result of students saying: No more. We

1 demand that you understand that our lives matter.
2 And my conversations with students all over my
3 district has sharpened my focus on this issue.

4 But more importantly, my focus on
5 this issue and this important bill was sharpened
6 by Linda Beigel-Schulman.

7 Linda, none of us will ever be able
8 to understand what you and your husband have
9 experienced and the depths of sorrow that you
10 carry. But I do know this. You're the strongest
11 person I know. And to be able to light a candle
12 instead of curse the darkness, and to have
13 traveled from one end of the state to the other
14 talking about what this means, has meant
15 everything to me.

16 And when you said to me "My son
17 would never want to have the responsibility of
18 being armed and would not want to have the
19 question asked in his interview, 'Would you be a
20 teacher who would carry if we asked,'" and who
21 made the ultimate sacrifice protecting his kids,
22 not thinking about his firearm or how to get it,
23 told me everything I needed to know about this
24 issue.

25 More guns are not the solution. It

1 is a matter of time before an innocent teacher
2 and an innocent young person are injured or worse
3 when we introduce loaded weapons into the school.
4 And it is not true that a police officer driving
5 onto school grounds is now prohibited from doing
6 so under this bill. This has to do with who --
7 which school employee a school board is
8 authorized to say may possess a weapon. And
9 school resource officers still can; that option
10 is still available.

11 But we've suffered needlessly too
12 much. And I understand the schools that have
13 wanted to arm teachers. With no help coming and
14 with no security whatsoever that there won't be
15 armed madmen walking into their schools with
16 guns, they're doing whatever they can. But in
17 New York, we do not have to resort to that. We
18 could invest in mental health. We could harden
19 the infrastructure of our schools. But you'd
20 better believe it, we've got to take dangerous
21 weapons out of the hands of dangerous people.
22 That's what today is about.

23 And when it comes to adding guns to
24 the problem, today we are saying no, enough is
25 enough.

1 Linda, your guiding light was my
2 inspiration. I proudly thank our leader and vote
3 aye.

4 ACTING PRESIDENT BENJAMIN: The
5 Senator will be recorded in the affirmative.
6 Announce the results.

7 THE SECRETARY: Those recorded in
8 the negative on Calendar Number 81 are
9 Senators Akshar, Amedore, Antonacci, Boyle,
10 Flanagan, Funke, Gallivan, Griffio, Helming,
11 Jacobs, Jordan, Lanza, Little, O'Mara, Ortt,
12 Ranzenhofer, Ritchie, Robach, Serino, Seward,
13 Tedisco and Young.

14 Ayes, 41. Nays, 22.

15 ACTING PRESIDENT BENJAMIN: The
16 bill is passed.

17 (Applause from the gallery.)

18 ACTING PRESIDENT BENJAMIN: Senator
19 Gianaris.

20 SENATOR GIANARIS: Mr. President,
21 we previously laid aside temporarily Senate
22 Calendar Number 93, by Senator Mayer. Can we
23 please take that up.

24 ACTING PRESIDENT BENJAMIN: The
25 Secretary will read.

1 THE SECRETARY: Calendar Number 93,
2 by Senator Mayer, Senate Print 2449, an act to
3 amend the Executive Law.

4 ACTING PRESIDENT BENJAMIN: Read
5 the last section.

6 THE SECRETARY: Section 3. This
7 act shall take effect on the 180th day after it
8 shall have become a law.

9 ACTING PRESIDENT BENJAMIN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BENJAMIN: Seeing
13 and hearing no other Senators wishing to explain
14 their vote, Senator Mayer, followed by Majority
15 Leader Andrea Stewart-Cousins, to close.

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

18 I rise to explain my vote on an
19 important part of this package. And I want to
20 give thanks to our Majority Leader, my colleague
21 from Yonkers, Senator Andrea Stewart-Cousins, to
22 the advocates, and to my colleagues, who have
23 been relentless in insisting that we enact a
24 package of gun safety bills, reasonable gun
25 safety bills, to move this state ahead.

1 The bill that I am sponsoring that I
2 am talking about today begins the process of
3 developing uniform statewide practices and
4 policies for gun buyback programs. This is an
5 idea which has so much merit and has great
6 success. And it will certainly have greater
7 success as we move ahead and have the State
8 Police develop guidelines and encourage police
9 departments throughout the state to adopt these
10 programs.

11 I'm particularly proud because the
12 City of Yonkers Police Department has had a gun
13 hot-tip program that this is based on which has
14 resulted in over 200 guns coming off the streets
15 of the City of Yonkers, people being paid for
16 their guns and encouraged to come in and take
17 those guns out of circulation.

18 One of the reasons that I am such a
19 strong proponent of this gun safety measure is
20 because of the experience of the Nolan family.
21 And they're here today in the chamber with us.

22 Michael Nolan, on October 8, 2015,
23 was murdered due to a tragic gun violence
24 incident in Yonkers. Michael had graduated from
25 Saunders Trade and Technical High School, a

1 6 foot-8-inch, left-handed pitcher and star
2 athlete. Michael was drafted to play for the
3 Oakland A's when his life was tragically cut
4 short.

5 The Nolan family -- his parents,
6 Donna and Jimmy, and his brother James, who is
7 here today -- have absolutely taken up the mantle
8 of changing their tragedy into something
9 positive. And I want to give particular thanks
10 to James. He has worked with the Yonkers Police
11 Department to make this program work. He has
12 worked with me and my colleagues in the Assembly
13 to ensure that we move this state ahead to adopt
14 a uniform, effective gun violence program that
15 involves returning of unsafe and illegal guns and
16 taking them off the streets.

17 Today we are taking tragedy and
18 turning it into positive policy. I cannot thank
19 them enough for their leadership, for their
20 courage, for their ability to transform the worst
21 personal nightmare into a positive step for all
22 New Yorkers. So thank you for your leadership.
23 Thank you for all my colleagues for being such
24 strong advocates for this bill.

25 And I look forward to its passage

1 and signing by the Governor so that we can move
2 ahead and have more effective gun safety measures
3 in New York. I vote aye.

4 ACTING PRESIDENT BENJAMIN: The
5 Senator will be recorded in the affirmative.

6 Majority Leader Andrea
7 Stewart-Cousins.

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

10 I rise also to thank my colleague
11 and friend Shelley Mayer for carrying this bill
12 in this house.

13 I really also want to pay tribute to
14 the Nolans. This is not the first time I have
15 had an opportunity, with my colleagues, to pass
16 legislation that will impact not only their
17 lives but the lives of people in New York State
18 in a positive way.

19 I think that this day is filled with
20 actions that reflect what has happened on a
21 personal level to people right here in the
22 chamber. It is a small step and again a great
23 tribute to your courage, taking tragedy and
24 making it a mission, frankly, to alleviate the
25 suffering and harm that would come to others.

1 This bill is one of those bills.
2 It's a bill that very simply says we can
3 encourage guns that are on the street, that could
4 possibly fall in the hands of people who should
5 not have them, to be brought in, no questions
6 asked. You get a reward, and a gun is no longer
7 available to be misused.

8 And on a personal level, when my
9 brother came back from Vietnam, he had weapons.
10 He was in the senior citizens housing apartment,
11 you know, where my parents lived, and it was like
12 he didn't know -- he was going to move somewhere,
13 and he's like, "Here, hold my gun."

14 My mother left that gun up there.
15 She was afraid to do anything with this gun. She
16 didn't want to touch the gun. She didn't want to
17 have to turn in the gun because -- she could have
18 obviously explained, but she didn't want someone
19 to misunderstand, why do you have a gun? She
20 didn't want to walk in, you know, this black
21 woman in the Bronx with a -- you know, I've got a
22 gun. She was afraid.

23 This program, established uniformly
24 across the state, will take guns out of the hands
25 of people who shouldn't have them and take guns

1 off the hands of people like my mother, who
2 wouldn't know what to do about it.

3 I vote aye.

4 ACTING PRESIDENT BENJAMIN: The
5 Senator to be recorded in the affirmative.

6 Senator Montgomery.

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

9 I rise to also thank our Majority
10 Leader for bringing this whole package, including
11 this particular one, and Senator Mayer for
12 sponsoring this bill.

13 And I just want to acknowledge that
14 this is a very, very important program. It's
15 been done certainly in Brooklyn, the county where
16 I come from, especially in my own district. And
17 it's very interesting that it is a great program
18 that's done in churches in particular. It allows
19 the church to be a place where people can come
20 and dispose of their weapons.

21 And I want to just acknowledge that
22 it has really been an outstanding promotion being
23 done by the district attorneys in particular.

24 And a few weeks ago, as recently as
25 a few weeks ago when I was visiting and meeting

1 with a group of people in Sing Sing prison, and
2 they were -- they have been part of trying to
3 raise a little bit of money, with their
4 10-cents-an-hour jobs, to do a buyback, to have
5 us do a buyback that they would sponsor from the
6 inside, because they realize how important it is
7 to get guns off the streets even though they are
8 incarcerated themselves.

9 So I thank you for this. It is a
10 very important program. And I think we can make
11 a big difference in how many guns there are
12 floating around in the community, especially in
13 communities like mine, where so many -- so often
14 youngsters get their hands on a gun and it's
15 really a problem because they bring it -- they
16 are -- the access to those weapons come from
17 careless adults in their community and their
18 family.

19 So thank you. And, Mr. President, I
20 vote aye.

21 ACTING PRESIDENT BENJAMIN: Senator
22 Jackson.

23 SENATOR JACKSON: Thank you,
24 Mr. President. Good afternoon, my colleagues.

25 I rise today -- and I heard the

1 primary sponsor, Shelley Mayer, speak on this,
2 and our leader, Andrea Stewart-Cousins. But I
3 felt it necessary to speak, and I asked for
4 permission to speak after they -- not because I
5 wanted to speak after them, but because of this
6 program, the gun buyback program.

7 I want to talk about a woman by the
8 name of Jackie Rowe-Adams. And Jackie Rowe-Adams
9 is a mother that had two young men, her sons,
10 shot and killed. Different times, not at the
11 same time. And Jackie took her grief and energy
12 and started an organization called Harlem Mothers
13 S.A.V.E.

14 And I say to you, you didn't want to
15 be a member of that club, that organization,
16 because that organization was mothers who had
17 children that died due to gun violence. And
18 obviously so many people being shot and killed,
19 so it's Harlem Mothers and Fathers S.A.V.E. And
20 they have their office, and they go and deal with
21 grief with parents that have lost their children
22 and others to gun violence, and bring them into
23 the family in order to continue to give them the
24 support that they need and to let all of them
25 work together in order to stop gun violence.

1 And I've been involved in gun
2 buyback programs in Manhattan with Jackie
3 Rowe-Adams. And in fact I've told my
4 constituents, "Don't be afraid, go and give the
5 gun in. You'll get, you know, a hundred dollars
6 or whatever, \$200, and they will give you a
7 receipt, and you take it to another location to
8 get the money."

9 I've also said, "If you are afraid,
10 then give me a call. I'll come and get the gun
11 and hand it in, because they said that every gun
12 off the street saves a life."

13 And so I thank the sponsors,
14 understanding that -- I understand people's right
15 to legally own guns, but there are a lot of guns
16 out there that are not owned legally. And we
17 have to get all of those off the street. And any
18 ones that are legal that are just hanging around
19 in your mother's house, your uncle's house, that
20 are not doing anything, hand them in. Let's get
21 these weapons off the street.

22 Thank you.

23 ACTING PRESIDENT BENJAMIN: The
24 Senator will be recorded in the affirmative.

25 Senator Bailey to explain his vote.

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

3 Very briefly, I just wanted to thank
4 the sponsor for this very important piece of
5 legislation. As has been echoed by my
6 colleagues, I just wanted to make sure that I
7 made a note and make sure I thanked my district
8 attorney, D.A. Darcel Clark, for what she's been
9 doing in the Bronx with these gun buyback
10 programs. They are extremely well attended. And
11 as Senator Jackson alluded to, one less gun is
12 one life saved.

13 I really think that these programs
14 can be very successful if we have the
15 opportunity, as Senator Mayer has put forth in
16 this piece of legislation, to have them go around
17 the state. Because when we look at gun violence,
18 it's not just an inner-city problem. A life is a
19 life regardless of the zip code in which they
20 reside in.

21 So I am looking forward to the
22 signature of this legislation by -- signature by
23 the Governor on this legislation, and I look
24 forward to seeing this around the state so that
25 we can save lives everywhere in the State of

1 New York.

2 I vote aye, Mr. President.

3 ACTING PRESIDENT BENJAMIN: The
4 Senator will be recorded in the affirmative.

5 Senator Helming to explain her vote.

6 SENATOR HELMING: Thank you,
7 Mr. President. I rise to explain my vote.

8 I support gun buyback programs. I
9 have no issue with that. I applaud the
10 legislation getting passed today, although I did
11 not support it. I wanted to explain why.

12 I feel like once again we're only
13 taking a half a step forward. The legislation
14 may be great, but without the funding behind it,
15 how can we host these events throughout the
16 counties in New York State? I know it's not
17 mandated that this would be done, but if we want
18 to have a truly effective program, we need to
19 come up with the money behind it.

20 I did not see in the Governor's
21 budget any funding for this program. I'm not
22 sure -- I'm hopeful that the Majority is going to
23 make sure that there is money in our budget to be
24 able to cover these types of programs across
25 New York State.

1 Thank you, Mr. President. I vote
2 nay.

3 ACTING PRESIDENT BENJAMIN: The
4 Senator will be recorded in the negative.

5 Announce the results.

6 THE SECRETARY: Those recorded in
7 the negative on Calendar Number 93 are
8 Senators Amedore, Antonacci, Gallivan, Helming,
9 Jordan, Little, O'Mara, Ortt, Ranzenhofer,
10 Ritchie, Seward, Tedisco and Young.

11 Ayes, 50. Nays, 13.

12 ACTING PRESIDENT BENJAMIN: The
13 bill is passed.

14 Senator Biaggi.

15 SENATOR BIAGGI: Thank you,
16 Mr. President.

17 Can we now go to Calendar Number 95,
18 by Senator Kavanagh, and take that up at this
19 time.

20 ACTING PRESIDENT BENJAMIN: The
21 Secretary will read.

22 THE SECRETARY: Calendar Number 95,
23 by Senator Kavanagh, Senate Print 2451, an act to
24 amend the Civil Practice Law and Rules and the
25 Penal Law.

1 ACTING PRESIDENT BENJAMIN: Senator
2 Griffo, why do you rise?

3 SENATOR GRIFFO: Mr. President, I
4 believe there's an amendment at the desk. I
5 would ask that you waive the reading of that
6 amendment and that you call upon Senator Gallivan
7 for an explanation.

8 ACTING PRESIDENT BENJAMIN: Thank
9 you, Senator Griffo.

10 Upon review of the amendment, in
11 accordance with Rule 6, Section 4B, I rule it
12 nongermane and out of order at this time.

13 SENATOR GRIFFO: In that case,
14 Mr. President, I would appeal the ruling of the
15 chair and ask that you recognize Senator Gallivan
16 to be heard on such ruling.

17 ACTING PRESIDENT BENJAMIN: The
18 appeal has been made and recognized, and
19 Senator Gallivan may be heard.

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

22 This amendment has numerous
23 provisions; I make an argument that they all are
24 germane. First I'll speak to sections 3 to 10.
25 This provision is germane because the bill before

1 the house prevents individuals from accessing
2 firearms, rifles and shotguns when such
3 individuals have been deemed, through the
4 judicial process, as likely to engage in conduct
5 that would result in serious harm to themselves
6 or others.

7 The Mental Hygiene Law additionally
8 provides that persons who are mentally ill and
9 dangerous cannot legally retain or obtain a
10 firearm. This provision of the amendment to the
11 bill before the house, known as Kendra's Law,
12 sponsored by Senator Young, would expressly
13 improve care and monitoring for people with
14 serious mental illness. As such, it would help
15 to assure the very intent of the bill before us
16 by further protecting the public from persons who
17 are, by reason of their mental illness, a danger
18 to themselves or others, and thereby prevent them
19 from obtaining a firearm.

20 Sections 11 to 14 deal with the
21 school resource officer program. And very
22 interesting, in earlier debate, a number of the
23 proposals that are part of this amendment were
24 supported in the debate by Senator Kaminsky.

25 This provision is germane because it

1 follows the intent of the bill before the house
2 to provide improved public protection from
3 unlawfully used firearms in school facilities
4 through the deployment of school safety officers.

5 The provision of this amendment
6 would more specifically define the term "school
7 resource officer" to include a retired police
8 officer, retired deputy sheriff or retired state
9 trooper, or an active duty police officer, deputy
10 sheriff or state trooper. It would authorize
11 school districts to hire school resource officers
12 or contract with the state, a county, city, town
13 or village for their services. It would define
14 the role of a school resource officer as
15 providing improved public safety and/or security
16 on school grounds. It would also authorize
17 school resource officers to carry and possess
18 firearms during the course of their duties if
19 licensed to do so.

20 It would also establish a school
21 resource officer education aid program to
22 reimburse school districts for the cost of hiring
23 a school resource officer, and grant retired
24 police officers peace officer status when they
25 are employed by a school district as a school

1 resource officer.

2 Sections 15 to 21 of the amendment
3 have to do with securing school facilities. And
4 I would argue that they're germane because this
5 follows the intent of the bill before the house
6 to provide improved public protection from
7 unlawfully used firearms in school facilities
8 through specific measures to secure school
9 facilities.

10 The provisions of this amendment
11 would, more specifically:

12 Number one, require that two of the
13 four annual lockdown drills conducted by schools
14 during the 12 emergency drills be active shooter
15 drills, and further provides that schools can
16 request that the school safety improvement teams
17 that were established in the SAFE Act issue
18 recommendations on how schools can properly
19 conduct such lockdown and active shooter drills.

20 Two, it establishes a new program to
21 equip teachers and other school personnel with
22 personal safety alarms to be used in cases of
23 emergency; require the Commissioner of Education
24 to promulgate regulations to provide for the
25 distribution of safety buttons to teachers and

1 such other personnel; and makes the cost of such
2 safety alarms an aidable expense.

3 And three, it provides state
4 education aid for school districts that expand
5 resources to acquire safety technology and
6 improve security of their facilities.

7 Sections 22 and 23 of the amendment
8 is also germane, because like the bill before the
9 house, it would provide protection from the
10 unlawful use of firearms by enhancing mental
11 health services, treatment and counseling in
12 schools. This provision of this amendment would
13 specifically direct the Commissioner of Education
14 to conduct an investigation and submit a report
15 regarding school counselors, school social
16 workers and school psychologists. It would also
17 require that the report detail the number of full
18 and part-time school counselors, school social
19 workers and school psychologists in each school,
20 the ratio of students to the number of school
21 counselors, the ratio of students to the number
22 of school social workers, and the ratio of
23 students to the number of school psychologists in
24 each school, and whether the school counselor,
25 school social worker or school psychologist is

1 providing counseling assistance to more than one
2 school.

3 And finally, this would further
4 require that after such report is issued, the
5 commissioner must prepare a proposal on how to
6 increase the number of school counselors, school
7 social workers, and school psychologists to meet
8 nationally accepted ratios, taking into
9 consideration the specific needs of
10 individualized school districts and the region in
11 which such school district is located.

12 I'd request, Mr. President, that you
13 reconsider your ruling and rule this amendment
14 germane.

15 ACTING PRESIDENT BENJAMIN: Thank
16 you, Senator. I want to remind the house that
17 the vote is on the procedures of the house and
18 the ruling of the chair. Those in favor of
19 overruling the chair, signify by saying aye.

20 (Response of "Aye.")

21 SENATOR GRIFFO: A show of hands is
22 requested.

23 ACTING PRESIDENT BENJAMIN: A show
24 of hands has been requested and so ordered.

25 (Show of hands.)

1 THE SECRETARY: Ayes, 22.

2 ACTING PRESIDENT BENJAMIN: The
3 ruling of the chair stands, and the bill-in-chief
4 is before the house.

5 Seeing and hearing no others, debate
6 is closed.

7 The Secretary will ring the bell.

8 Read the last section.

9 THE SECRETARY: Section 4. This
10 act shall take effect on the 180th day after it
11 shall have become a law.

12 ACTING PRESIDENT BENJAMIN: Call
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT BENJAMIN: Senator
16 May to explain her vote.

17 SENATOR MAY: Thank you,
18 Mr. President.

19 Suicide is an epidemic in New York.
20 The rate of suicide over the last 20 years has
21 risen 30 percent in this state, and it's gone up
22 higher in our rural areas than in our cities.

23 When I was 16 years old, my closest
24 friend committed suicide, and I know the ripple
25 effect that it has on the family, on the friends,

1 on the school community, on so many people who
2 wonder what could we have done.

3 I vote aye on this bill because it
4 gives an additional tool, something that we can
5 do to rally around people in our communities who
6 are experiencing suicidal ideation who might take
7 their own lives.

8 I vote aye on this bill on behalf of
9 the families that might be spared the pain of
10 finding a loved one who has shot him or herself.
11 Indiana and Connecticut have enacted laws like
12 this and seen their suicide rates go down, and I
13 am proud that in New York we may be able to start
14 seeing our suicide rates go down as well.

15 Thank you.

16 ACTING PRESIDENT BENJAMIN: The
17 Senator will be recorded in the affirmative.

18 Senator Gaughran to explain his
19 vote.

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

22 Twenty years ago this April, the
23 nation was shocked with the horrors of Columbine
24 and the shooting there. And since, it's become
25 almost commonplace -- shootings in our schools,

1 our houses of worship, malls, workplaces, night
2 clubs, the list goes on.

3 And then of course it took the
4 senseless loss at Newtown before New York passed
5 the SAFE Act, which was a very important law and
6 a major step. But we haven't taken a lot of
7 steps since, and today we're doing that.

8 And we talked earlier about the
9 tragedy in Parkland, Florida. And what happened
10 out of that was the young people across this
11 country, including many in this state and many
12 who live in my district, decided to take action
13 on their own, demanding that we as adults do
14 better, demanding that we put their lives first.

15 So that is why I am today supporting
16 all of the legislation, the commonsense
17 legislation that we've discussed earlier. This
18 Red Flag Law is so essential, because I believe
19 Parkland, Florida, the tragedy there and so many
20 others, these people would still be alive today.

21 The steps that we're taking in
22 New York today are not going to stop all gun
23 violence and deaths in New York. We know that.
24 We know the federal government has to act. But I
25 can guarantee you that every single one of them

1 will save some lives.

2 So -- and again, in honor of
3 Scott Beigel, I vote aye.

4 ACTING PRESIDENT BENJAMIN: The
5 Senator will be recorded in the affirmative.

6 Senator Boyle to explain his vote.

7 SENATOR BOYLE: Thank you,
8 Mr. President. To explain my vote.

9 I'm going to support this
10 legislation. I wish it did not include school
11 administrators. But I think the idea of having
12 law enforcement, district attorneys, and other
13 family and household members who are going to see
14 firsthand -- we see over and over again after
15 these tragedies -- the mother of the defendant in
16 Parkland, begging the police officers that her
17 son's in trouble, don't let him have guns. It
18 happens over and over again.

19 The family members, other law
20 enforcement people, these are the people who
21 should have the ability to go to a judge and have
22 these firearms taken away until the person is
23 feeling better or in a better state of mind.

24 I will just speak very quickly about
25 the amendment that was offered on resource

1 officers. We cannot think about having no guns
2 in our schools, because we do need to have
3 trained law enforcement officials and school
4 resource officers having these guns. I'll point
5 out a piece of legislation that was passed in
6 this body last year by Senator Martinez -- not
7 Monica Martinez, but Litzy Martinez, from
8 Brentwood. She was taking part in the Youth in
9 Government YMCA program, and they passed a piece
10 of legislation that said armed guards should be
11 in all of our schools. These are middle school
12 kids. Litzy and her co-senator, who was named
13 Precious Johnson, sixth- and seventh-graders from
14 Brentwood. You may know Brentwood -- MS-13, a
15 lot of violence there.

16 They passed legislation passed by
17 all students from New York State, in the Assembly
18 and the Senate, to ask for armed guards. The
19 purpose of the bill was to make school safer and
20 prevent a school shooting while getting educated.

21 The justification: "One reason why
22 I want armed guards in schools is because if we
23 have armed guards it would be harder for school
24 shooters to harm anyone, because the armed guards
25 would be trained so they would know exactly what

1 to do."

2 Litzy's last reason for having armed
3 guards in schools is that they have armed guards
4 in jewelry stores. Why wouldn't they have armed
5 guards in schools when there are living things
6 that are more important than non-living things?

7 Senator Johnson and Senator Martinez
8 are absolutely right. I vote in favor of this
9 bill and hope we never see a school shooting in
10 New York State.

11 ACTING PRESIDENT BENJAMIN: The
12 Senator will be recorded in the affirmative.

13 Senator Jackson to explain his vote.

14 SENATOR JACKSON: Thank you,
15 Mr. President.

16 I rise in order to support Calendar
17 Number 95 by our colleague Senator Kavanagh with
18 respect to the extreme risk protection orders.

19 We have heard all over the news
20 about people being killed by students and others.
21 And I'd say that I would err on the side of
22 moving this bill than not moving it. Because
23 what are we going to say to parents and relatives
24 of people if in fact people that were at risk,
25 and we don't have these emergency risk protection

1 orders, shot and killed?

2 There's a process if someone, in the
3 opinion of those that have the authority that's
4 written in the bill -- in order to get permission
5 from the court in order to get police officers to
6 go deal with the individual who may be at risk.
7 And there's a process of appeal also.

8 So I say that I would rather err on
9 safety rather than voting no on this particular
10 matter. So I vote aye in favor of this bill, and
11 I thank our colleague Senator Kavanaugh for moving
12 it forward, and Assemblymember Simon in the
13 Assembly. I vote aye.

14 ACTING PRESIDENT BENJAMIN: The
15 Senator will be recorded in the affirmative.

16 Senator Carlucci to explain his
17 vote.

18 SENATOR CARLUCCI: Thank you,
19 Mr. President.

20 And I want to thank Senator Kavanaugh
21 particularly for championing this legislation and
22 working with many of us in the conference on so
23 many of these pieces of legislation, and to all
24 the sponsors of the package of bills that we've
25 passed today.

1 And most importantly, I want to
2 thank the advocates. I'm fortunate to have some
3 friends in the gallery today from Rockland
4 County, with Dorothy, Andrea, Scott and Sherry
5 that are here today. Thank you so much for your
6 advocacy in speaking up.

7 The sirens should be going off. We
8 have a crisis on our hands, there's no question
9 about it. Over 30,000 Americans are killed due
10 to gun violence each year. The alarm bells
11 should be going off. We should be doing
12 everything we possibly can to keep our children
13 and our communities safe.

14 And so I want to thank my colleagues
15 for pushing this legislation, demanding that it
16 come to the floor, and make sure that today, as
17 our leader Andrea Stewart-Cousins said, that this
18 is just the beginning. That we know we're not
19 going to solve every one of our problems today,
20 but we're making a giant leap forward.

21 And I've been honored to be named as
22 the chairman of the Mental Health Committee, and
23 I want to use that ability to make sure we're
24 going a step further, that we're not just going
25 to talk about mental health, we're going to take

1 action and we're going to make sure that people
2 that need access to mental health services are
3 going to get it.

4 But today we're taking action in
5 response to so many lives that have been lost.
6 Ninety-four school shootings last year -- 94.
7 It's an epidemic. So I just want to thank my
8 colleagues for supporting this legislation, all
9 the advocates that have demanded action on this
10 issue. We're keeping our children safe, we're
11 taking a step forward to keep New Yorkers safe.
12 I support this legislation and vote aye.

13 Thank you, Mr. President.

14 ACTING PRESIDENT BENJAMIN: The
15 Senator will be recorded in the affirmative.

16 Senator Helming to explain her vote.

17 SENATOR HELMING: Thank you,
18 Mr. President.

19 I rise to explain my no vote, not
20 only on this bill but the entire package that was
21 before us today.

22 I strongly believe that by working
23 together, we can and we must protect our citizens
24 and safeguard the rights of law-abiding gun
25 owners which the Constitution guarantees.

1 During my first term in office,
2 which I just completed, I spent a considerable
3 amount of time out in the district in an effort
4 to learn what the concerns of the people I
5 represent are. This included holding more than
6 32 town hall meetings in every corner of the
7 district.

8 And what I learned and wanted to
9 share today is that the law-abiding gun owners
10 are some of the strongest advocates for increased
11 mental health services and stricter sentencing
12 for violent offenders. Despite what some people
13 may believe, no one wants a violent or dangerous
14 individual owning firearms.

15 In my opinion, the gun control
16 package pushed today has little to do with public
17 safety and everything to do with politics. If we
18 are serious about public safety and reducing
19 violence, we would support bills and put in place
20 the adequate funding to increase mental health
21 programs, to fund school resource officers, and
22 to strengthen penalties for violent criminals.

23 The legislation passed today will
24 have unintended and far-reaching consequences.
25 Several of the bills duplicate federal laws that

1 are already on the books. Just like we saw with
2 the passage of the SAFE Act, once again there has
3 been little effort to encourage public debate or
4 the appropriate scrutiny of the legislation that
5 deals with something as important as public
6 safety and our constitutionally protected rights.

7 This is not the way that government
8 is supposed to work, and I do not believe it's
9 going to make our communities safer. I took an
10 oath to uphold the Constitution of the
11 United States of America, and I believe today's
12 actions infringe upon the rights of law-abiding
13 citizens and violate the oath that I took.

14 I truly, truly look forward to the
15 day when we all set aside politics and pass
16 legislation that will truly protect our citizens
17 without stripping the rights of law-abiding
18 citizens. I vote no on this bill, and I voted no
19 on seven of the eight bills proposed today.

20 Thank you, Mr. President.

21 ACTING PRESIDENT BENJAMIN: The
22 Senator will be recorded in the negative.

23 Senator Biaggi to explain her vote.

24 SENATOR BIAGGI: Thank you,
25 Mr. President.

1 I rise today in support of this
2 bill, and I commend my colleague Senator Kavanagh
3 as well as all of the advocates that we have here
4 with us today: Moms Demand Action, New Yorkers
5 Against Gun Violence, and of course Everytown for
6 Gun Safety.

7 I say this with the most respect.
8 If thousands of people, both young adults and
9 adults and children, were dying year after year
10 after year from some disease, we would spare
11 absolutely no cost to find a cure. Hundreds of
12 scientists would be studying causes and
13 treatments and told not to stop until they found
14 a solution.

15 But for gun violence we're told that
16 there really is no solution and really the only
17 way is more guns. We're told that the right to
18 have as many guns of any type is more important
19 than the right to live, even when the polls show
20 that most gun owners support commonsense gun
21 regulations -- like, I believe, the ones that
22 we've put forth today. And that, in my opinion,
23 is truly insane.

24 So in New York we are not about
25 thoughts and prayers. We heard that earlier from

1 our leader, Senator Stewart-Cousins, and my
2 colleague Senator Persaud and I were talking
3 about this as well. We're about action. And
4 people expect action and great things from this
5 body.

6 Today we are passing what I believe
7 to be sensible rules to ensure that people who
8 should not have a gun will not have a gun.
9 People who are a clear threat to others should
10 not have access to firearms. I don't even
11 understand how there's a debate about that, to be
12 honest. This is specifically and especially true
13 for domestic violence situations where too many
14 women have been killed by their partners because
15 of a gun that was available to them. Nationally,
16 two-thirds of domestic violence homicides are
17 committed with firearms. Less than a third of
18 domestic violence homicides in New York were
19 committed with firearms, and New York legislation
20 is helping on one level.

21 So I could go on. I am in full
22 support of the package that we're putting forth
23 today. But I really do just request of my
24 colleagues on the other side of the aisle just to
25 think about how this affects your constituents as

1 well, who are probably in support of having a
2 safer society with guns that are not hurting
3 others, and would probably expect you to vote in
4 favor of this too.

5 So with that, I vote aye.

6 ACTING PRESIDENT BENJAMIN: The
7 Senator will be recorded in the affirmative.

8 Senator Metzger to explain her vote.

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

11 I want to thank Senator Kavanaugh for
12 championing this legislation and for my
13 colleagues on both sides of the aisle that have
14 supported it. Gun violence is a public health
15 crisis and needs to be treated as one.

16 I strongly support this legislation,
17 which will allow family, school and law
18 enforcement to work together to remove guns from
19 individuals who are a danger to themselves and to
20 others. It will help prevent the needless loss
21 of life by suicide, the leading cause of death by
22 firearms. And it will help prevent tragic,
23 tragic killings as we saw in Parkland.

24 Today, as a mother of three
25 school-age children, I dedicate my vote to

1 Scott Beigel, and I express my deep condolences
2 to his parents.

3 My children joined thousands of
4 children across the state and the country in
5 walking out in solidarity with the Parkland
6 students. We have not seen that level of
7 political engagement by young people in this
8 country in a long, long time. They need this
9 legislation. They want this legislation. We
10 need this legislation. So I'd also like to
11 dedicate my vote to my sons, Gideon, Jasper and
12 Silas, and to all the children of New York State,
13 so that they may be safe.

14 Thank you, and I vote aye.

15 ACTING PRESIDENT BENJAMIN: The
16 Senator will be recorded in the affirmative.

17 Senator Liu to explain his vote.

18 SENATOR LIU: Thank you,
19 Mr. President, for the opportunity to explain my
20 vote on this bill as well as the other related
21 bills for today's agenda.

22 NRA zealots still to this day insist
23 that it's not guns that kill people, it's people
24 who kill people. Accordingly, this package of
25 bills today will make it more difficult for

1 people who want to kill people to get guns.

2 And it's especially important in
3 light of so many -- you know, frankly I've lost
4 count of how many mass killings and gun tragedies
5 that we in New York and this country have had to
6 face head-on. And beyond those mass killings,
7 we've also continued to have violence -- urban,
8 suburban and otherwise -- where the basis of that
9 violence has been in the availability, the still
10 easy availability of guns.

11 It is the right thing to do to make
12 it more difficult for people who want to kill
13 people to get guns, and that's exactly what we're
14 doing here today. I vote aye.

15 ACTING PRESIDENT BENJAMIN: The
16 Senator will be recorded in the affirmative.

17 Senator Lanza to explain his vote.

18 SENATOR LANZA: Thank you,
19 Mr. President.

20 Unfortunately, I'm going to be
21 voting in the negative with respect to this
22 legislation.

23 You know, if you go home after this
24 package of bills has been passed and tell your
25 constituents that they're safer, in my humble

1 opinion you'd be lying. Certainly we need to
2 address gun violence. And yes, there are a lot
3 of things across the state that are killing
4 people. I heard that if people were dying and we
5 cared, we'd do something about it. The
6 number-one preventable cause of death right now
7 in the State of New York and across the nation is
8 drug abuse addiction. And this state is doing
9 pitifully next to nothing about that.

10 But with respect to this
11 legislation, I've talked to Senator Kavanagh
12 about this and I know that his motivation is
13 pure. He wants to keep guns out of the hands of
14 people who are mentally unfit to possess them.
15 We agree on that. The question is how do you do
16 that. And I don't think this legislation gets us
17 there.

18 Already, by the way, there are
19 plenty of provisions in this state that allow us
20 to ensure that those who are mentally unfit to
21 possess firearms would possess those firearms.

22 I have two problems with this. And
23 I vote in the negative in the hope that we can
24 come back with a better version of this law. And
25 let me explain what I mean by that.

1 First, how the process is initiated
2 here I think is very flawed. In effect, it
3 allows someone arbitrarily to walk down the block
4 and point fingers. It could be your estranged
5 husband. Just points a finger and starts this
6 process and says: "You know, that person is
7 mentally unfit, I want to deny them their
8 Second Amendment right." I think the initiation
9 process is something that needs to be re-looked
10 at.

11 Second of all, the result here. I
12 think Senator Kavanaugh is right to choose the
13 standard that he has chosen here in order for a
14 gun to be removed from someone. He borrows it
15 from the standard that is utilized for someone to
16 be involuntarily committed in the State of
17 New York.

18 For someone to lose their gun under
19 this legislation, a judge would need to view and
20 assess evidence and then conclude that the person
21 standing before them posed an immediate and
22 significant risk of harm to themselves or someone
23 else. That's the right standard. It's also the
24 standard we use to say that someone that is found
25 to be in that situation ought to be involuntarily

1 committed.

2 But when that happens here, the only
3 thing that happens is we tell you: Someone's
4 going to come to your house and take your guns,
5 here's a lollipop, have a nice day. That's
6 wrong. It does not address the real problem.

7 If this state concludes that someone
8 poses an immediate and serious risk to themselves
9 or someone else, we ought not be releasing them
10 back into the streets, we ought to be doing
11 something about it there and then. And that's
12 what you heard with respect to the amendment that
13 we proposed to this legislation.

14 So yes, I support the idea that we
15 need to make sure that people who are not fit to
16 have guns do not have them. Senator Kavanagh, I
17 implore that you take a look at that amendment
18 and that we come back another day and we do this
19 right.

20 Mr. President, I vote no.

21 ACTING PRESIDENT BENJAMIN: The
22 Senator will be recorded in the negative.

23 Senator Harckham to explain his
24 vote.

25 SENATOR HARCKHAM: Thank you,

1 Mr. President.

2 This has been a good discussion
3 today, a very enlightening discussion
4 highlighting some differences, not just
5 politically but culturally, as our colleagues
6 have mentioned.

7 I grew up on the edge of the suburbs
8 upstate, and that's kind of the type of district
9 that I represent. We've got some urban, suburban
10 and we've got some very rural. And I grew up
11 shooting at an early age. I shot competitively,
12 as we heard about. Our guns were stored at the
13 range, not in the school. But, you know, my
14 father wanted us to learn at an early age gun
15 safety and how to shoot, and I taught my
16 daughters that as well.

17 So I'm not going to do anything that
18 is going to infringe upon my Second Amendment
19 rights or my constituents'. But what we're
20 talking about today is gun safety. We're talking
21 about gun safety, commonsense gun safety.

22 And if you look at the Red Flag or
23 the extreme risk protection order -- that word
24 "extreme risk" -- so it's not just somebody
25 walking down the street pointing, as we had just

1 heard. It's very specific people. There's a
2 very high level of proof. And if you look at the
3 statistics, in over 45 percent of these mass
4 shootings, when police went back and
5 investigated, people said yes, we saw trouble
6 coming, there was something wrong here. And so
7 that is what this bill will address.

8 And when we talked earlier about
9 extending the waiting period when there's not a
10 clean declaration in a background check, if we
11 look at what happened in the South Carolina
12 shooting when a young man walked into a church
13 and massacred some people who were praying, that
14 individual got an indeterminate return on his
15 background check and was awarded a firearm.

16 And this law that we passed today
17 will follow the FBI standard as to how long they
18 normally take on a background check.

19 So I think -- with all due respect
20 to my colleague, I think these bills will make
21 our constituents safer. Absolutely. And they do
22 not infringe upon the rights of lawful gun
23 owners. And what we're saying is that we're
24 going to be proactive and take steps to protect
25 our students and our public spaces.

1 And on the extreme risk protection
2 order bill, I vote aye.

3 ACTING PRESIDENT BENJAMIN: The
4 Senator will be recorded in the affirmative.

5 Senator Sanders to explain his vote.

6 SENATOR SANDERS: Thank you,
7 Mr. President.

8 I want to of course commend our
9 leaders and leadership for putting these bills
10 forward.

11 As Senator Harckham has just been
12 saying, these are sensible bills that are being
13 presented this week. These are some of the most
14 sensible things that we could have and should
15 have done for quite a long time. No hunter is in
16 danger, no one protecting their homes are in
17 danger of their weapons taken away.

18 I've heard some very good ideas, I
19 concede, from my colleagues on the other side.
20 These are very good ideas. I wish that you had
21 put them forward in days gone by. I wish that in
22 the 30-some-odd years or more, that these had
23 come forward. Because it's like a pendulum: If
24 you don't put what you believe is sensible
25 forward, you will hear what you believe is not as

1 sensible.

2 I still encourage us, if you believe
3 that there's something sensible, put it forward.
4 You would get a better hearing than you may
5 imagine. You see, my community is ground zero
6 for this type of stuff. I'm not talking about
7 the high-profile shootings that we hear. I'm
8 talking about the ordinary horror, the daily
9 terror that some of our youth and others are
10 dealing with, where the people are shooting at
11 one another and it's usually the innocent person,
12 a bystander, who gets hit, whether it's a little
13 kid or an older man or something.

14 We simply have to do something for
15 them. This is why I can't simply dedicate this
16 to one person in my community, because there are
17 too many people in my community that have been
18 affected by this, and to single out one person
19 would do a great disservice on the many people
20 who have been hit by this.

21 So in that sense -- and I'm not
22 going to speak on the rest, this is my comments
23 for all of these. So I'm dedicating it to all of
24 those folk who have been horribly impacted by
25 weapons in the wrong hands. And that's what

1 we're talking about, my friends, weapons in the
2 wrong hands. And that no one heard their cry for
3 so many years. And I to be honest wonder if
4 we're hearing their cry now.

5 But I'm dedicating this to them
6 because I certainly hear their cry. And along
7 with colleagues who do on both sides of the
8 aisle, we'll continue to try to find ways to get
9 weapons and other things out of the hands of folk
10 who never should have had them, and protect the
11 rights of those who should have.

12 Thank you, Mr. President. You still
13 look good up there.

14 ACTING PRESIDENT BENJAMIN: The
15 Senator will be recorded in the affirmative.

16 Senator O'Mara to explain his vote.

17 SENATOR O'MARA: Thank you,
18 Mr. President, to explain my vote in opposition
19 to this legislation.

20 It is clear that everyone in this
21 chamber desires to keep firearms and weapons out
22 of the hands of those that are mentally ill,
23 those that are at risk of harming themselves or
24 others. It's a laudable goal.

25 This bill does nothing to provide

1 any relief, any help to the individual that may
2 be the subject of one of these orders. Due
3 process is lacking in this, because the person
4 who the order is being issued against isn't
5 notified of anything until after the decision is
6 made.

7 And while it's the same standard for
8 an involuntary commitment to be civilly confined
9 because you're a risk of harm to yourself or
10 others and entitled to a hearing after the fact,
11 when someone is being civilly committed for being
12 a risk of harm to themselves or others, they are
13 entitled to legal representation. And
14 representation is provided by the Office of
15 Mental Health legal services.

16 This bill does not afford or provide
17 such a benefit to those being deprived of their
18 Second Amendment right to own, possess or to
19 purchase a firearm. And because of that lacking
20 reason, this will be an undue burden on
21 individuals to be able to protect their Second
22 Amendment right.

23 So therefore I must vote no on this
24 legislation. Thank you.

25 ACTING PRESIDENT BENJAMIN: The

1 Senator will be recorded in the negative.

2 Senator Skoufis to explain his vote.

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

5 Like my colleague in Westchester and
6 also my colleague in Orange County, I represent
7 urban, suburban, and a few rural communities.
8 And so an issue like this, which is so
9 sensitive -- and, quite frankly, politically
10 tricky -- is one that always, in my mind, needs
11 to be handled with care.

12 We can't legislate for the sake of
13 legislating when it comes to firearms, we need to
14 legislate for the sake of making our communities
15 safer. There's a distinction. And this bill
16 legislates for the sake of keeping our
17 communities safer.

18 In many ways this is the epitome of
19 a bipartisan bill. You have groups like the
20 New York Post and the National Review that have
21 endorsed Red Flag Laws, along with a slew of
22 left-leaning groups and organizations.

23 After so many tragedies and horrors,
24 Second Amendment advocates constantly remind us
25 that we need to do more on mental health. And we

1 do need to do more on mental health as a
2 component to this much larger problem, and that's
3 exactly what this bill does. If someone is
4 deemed by law enforcement, who I know everyone in
5 this chamber supports, deemed by law enforcement
6 or an immediate family member to be unsafe, unfit
7 to handle firearms, there is then due process to
8 try and make sure that dangerous individuals
9 aren't allowed to own and operate firearms in
10 New York State.

11 And last but not least, we heard a
12 lot about, after Parkland, how many times the
13 sheriff's department visited that home time after
14 time after time, and why didn't law enforcement,
15 why didn't the sheriff's department do anything
16 about those visits. And the fact was they didn't
17 have a Red Flag Law in place in Florida.

18 It's too little, too late for
19 Parkland, but now Florida learned their lesson
20 and has a Red Flag Law. I'm very pleased that
21 we'll be joining them.

22 I thank the sponsor. I vote yes.

23 ACTING PRESIDENT BENJAMIN: The
24 Senator will be recorded in the affirmative.

25 Senator Tedisco to explain his vote.

1 SENATOR TEDISCO: Thank you,
2 Mr. President, to explain my vote.

3 I want to speak to this piece of
4 legislation, and I want to thank Mr. Kavanagh --
5 not for the bill, but for giving me your office.
6 We're all moved in, it looks great. We just
7 moved the desk a little bit.

8 (Laughter.)

9 SENATOR TEDISCO: There's a lot of
10 moving going around.

11 I wanted to speak to the bill
12 itself, but in a holistic way about the package
13 of bills we've been talking about. I understand
14 everybody cares about all our constituents. We
15 want to keep them all safe. And we know our most
16 vulnerable we talked about in some earlier bills,
17 our schools, our kids, there's some carnage
18 taking place there.

19 The last thing we need, though, is
20 to continue to take political, simplistic
21 approaches which sound easy and good but do
22 nothing but create more of a false sense of
23 security. Because that's very dangerous. We
24 actually need a holistic approach.

25 I'm always excited when I see people

1 come up in the stands upstairs in back of me, in
2 front of me, to come to see the work we do here.
3 And they're probably here today to hear us talk
4 about how we're going to make safer communities,
5 safer schools.

6 What this particular bill does, it
7 allows any one of us in this room and our
8 neighbor next to us, or the house you live in and
9 the neighbor next to you, to go to the Supreme
10 Court, flag you or flag their neighbor, and then
11 take their guns away and do this: Let them walk
12 out the door without any required or mandated
13 psychological evaluation or treatment.

14 My colleagues, do you think if you
15 take a gun away from a person it changes their
16 mindset to hurt their spouse, their neighbor, the
17 person down the street, themselves? They can get
18 another gun. They can get it from their cousin.
19 They can do what the tragic boy did by getting
20 one from his father, who didn't have it protected
21 away from his son, and go out and create carnage.

22 To the guests who came and visited
23 today, I hope you feel safe and comfortable in
24 this room. I've often thought about that. I do
25 feel safe and comfortable in this room. I do

1 feel safe at the seat of government, our
2 representative democracy. You know why? It was
3 because of that amendment we gave with that
4 package of bills that we presented to you last
5 year that many of you voted for but beat up like
6 crazy before -- after you beat it up, you all
7 voted for it. You said we were going to
8 militarize our schools.

9 Because what we were doing and why
10 you should feel safe and why I feel safe is
11 because of the assets of security we have given
12 ourselves at the seat of the Capitol to protect
13 you, to protect us, to protect our staff. You
14 may not have noticed this; you probably did, some
15 of it. When you walked in, you went through
16 metal detectors. But after you walked through
17 the metal detectors, what did you see?
18 Wonderful, courageous, uniformed state troopers
19 with some large guns, some of them, and some
20 other guns on their hips.

21 Nobody in this room has ever stood
22 up -- and I will wait for you today, before you
23 leave, to stand up in public and say because we
24 have those armed, professional, courageous
25 individuals who serve us and protect us every

1 day, we have militarized the capital of New York.
2 We're less safer -- those constituents are less
3 safer, you're less safer, we're all less safer
4 because we brought guns into the Capitol.

5 Let's go further. As you walked
6 down the halls, you saw video cameras. There's
7 video cameras in here. There's video cameras in
8 the conference rooms. We have emergency
9 messaging here. We have paid-for, partially --
10 to a great extent by the taxpayers -- healthcare
11 which provides us, our staff, and others
12 psychological evaluation and treatment if we
13 think they may hurt themselves or may hurt us.

14 Those amendments we brought out,
15 last year when we brought them out, had the
16 funding and the same exact resources you protect,
17 you've put in place, you support. Not one of
18 you -- I'll wait today, I'll wait and I hope I
19 don't hear those crickets again, to have you
20 stand up and say "I don't need those guys down
21 there with those guns protecting me, my
22 constituents who visit, or our staff. That's
23 dangerous. That's more guns."

24 I like what Mr. Lanza said. We need
25 the right guns in appropriate places. If they're

1 the right guns in appropriate places, if they're
2 the right metal detectors, if they're the right
3 video cameras, if it's the right medical and
4 psychological care for people who want to hurt us
5 here, our staff, why isn't it right for the kids
6 in the schools and our schools? Why is it
7 militarizing schools if it keeps us safe?

8 You keep saying that. And that's
9 why I used the term which kind of had smoke
10 coming out of your heads, and it was -- it's kind
11 of hypocritical. It's kind of hypocritical to
12 provide all those assets for us here, our staff,
13 the constituents that come -- and I get a lot of
14 schools who come and visit. I love to have them
15 come. They ask good questions.

16 Do you know what the number-one
17 question is? "What's your job, Senator Tedisco?"
18 And I've boiled it down to something very simple.
19 To keep you safe and the 19 and a half million
20 people safe, and help remove the obstacles that
21 may be before you, to help you be everything you
22 can be with the God-given talents you've been
23 given.

24 If our future is our kids in our
25 schools, their education is their future. And if

1 they don't feel safe, if they don't feel
2 comfortable -- I feel safe, I feel comfortable,
3 and apparently you do, because there's armed
4 guards in the halls protecting us, our staff and
5 the people who come. Why shouldn't we give those
6 to our schools and our kids? If it's good enough
7 for us, it's good enough for the parents who vote
8 for us to help protect their kids.

9 And that's why a simplistic
10 political approach is very dangerous. A holistic
11 approach, the approach we gave last year, the
12 amendment we gave this year, the ones you
13 actually voted for last year after you beat it up
14 and said guns are a menace, they militarize --
15 apparently they just keep us safe here, don't
16 militarize us.

17 Mr. Speaker -- or, excuse me -- 34
18 years in the Assembly -- Mr. President, I'm going
19 to be voting no.

20 ACTING PRESIDENT BENJAMIN: The
21 Senator will be recorded in the negative.

22 Senator Parker to explain his vote.

23 SENATOR PARKER: Thank you,
24 Mr. President, to explain my vote.

25 I gladly rise to vote aye on this

1 important piece of legislation. It's well past
2 overdue, frankly, that we've done extreme risk
3 protection.

4 And let me thank Senator Kavanagh
5 for his intrepid work on this. And not just as a
6 leader in this body and a leader in this state
7 and a leader for his community, but a national
8 leader who has organized legislators around the
9 country around the important work of gun safety.

10 This is something that I think is
11 just simply common sense. And we've had too many
12 mass shootings in this country, frankly too much
13 access, unfettered access to guns.

14 I certainly am somebody who
15 frankly -- I, you know, appreciate the
16 Second Amendment, but I think that we have to
17 really make sure that we are only allowing
18 guns -- you know, this is not simply a tool, this
19 is a weapon. And these weapons for the most part
20 are only used to take life. And so, you know,
21 they must be stopped.

22 And you've heard from my colleagues
23 that guns and reducing the number of guns helps
24 us within the context of suicides, it helps us
25 within the context of loss of life and the

1 context of domestic violence. It helps in the
2 context of what we see in terms of mass
3 shootings. And so today was a good start.
4 There's still much that needs to be done.

5 And let me thank the other sponsors
6 of the bills that we saw today, Senator Kaminsky,
7 Senator Gianaris, Senator Kaplan, Senator
8 Sepúlveda, Senator Mayer, all for their
9 contributions to this important package of gun
10 legislation. It all, when you put it together,
11 is a good comprehensive start to addressing the
12 needs of safety for all of the people of the
13 State of New York.

14 However, it does not do everything
15 that needs to be done. The tale of gun violence
16 in this country is a tale of two cities. It's
17 Parkland and Aurora, Colorado, and Newtown, but
18 it's also New York, Philadelphia, and Chicago.

19 And what we see in communities like
20 Brooklyn, where I represent, is not simply an
21 access to guns problem. You know, this is really
22 not as much that as much as it is a violence
23 problem and a gang problem and a lack of
24 engagement of our young people problem. And we
25 certainly need to take up in this body some of

1 that legislation, and I'm looking forward to
2 having the opportunity to talk and debate those
3 issues.

4 But for today, we celebrate, because
5 we've taken an important first step in making the
6 State of New York as safe as it possibly can be.

7 Thank you.

8 ACTING PRESIDENT BENJAMIN: The
9 Senator will be recorded in the affirmative.
10 Senator Montgomery to explain her
11 vote.

12 SENATOR MONTGOMERY: Yes, thank
13 you, Mr. President.

14 I think that this is an appropriate
15 moment. I'm sitting here thinking and listening
16 to us, we're all thanking each other and thanking
17 ourselves. And I thank Senator Kavanagh, I thank
18 the Majority Leader and all of the -- as Senator
19 Parker has indicated, all of the sponsors.

20 This is -- and I just want to thank
21 Senator Tedisco for pointing out we need a
22 comprehensive approach. And I'm just pleased
23 that today we do have what gets a little bit
24 closer to a comprehensive approach. So I think
25 you're right about that.

1 But I just want -- while we're all
2 thanking ourselves, I want to remind us that from
3 all of those mass killings in California, from
4 California to Colorado to Texas to Nevada to
5 Connecticut to Florida, all of those have gone
6 with nothing happening.

7 So I just want to say that to those
8 students, those young people from Parkland, I
9 thank them. We owe them, America owes them a
10 great sense of gratitude, thanking them for
11 waking us up and not only waking us up but
12 putting us up, to make sure that we -- our
13 actions are where our mouths are.

14 And so I thank them. They were very
15 courageous, they were smart, they were
16 determined, and they almost, almost got a
17 governor in Florida. So I thank them.

18 And Senator Kavanaugh, yes, we thank
19 you. But let's never underestimate the power of
20 young people in America.

21 Thank you. I vote aye,
22 Mr. President.

23 ACTING PRESIDENT BENJAMIN: The
24 Senator will be recorded in the affirmative.

25 Seeing and hearing no other Senator

1 who wishes to explain their vote -- Senator
2 Kavanagh to close.

3 SENATOR KAVANAGH: Thank you,
4 Mr. President and my colleagues.

5 Gun violence is an epidemic that has
6 plagued our country for far too long. New York
7 has some of the strongest gun laws in the
8 country. We also have some very smart, effective
9 policing going on throughout our state. And we
10 lead the country in community-based intervention
11 strategies that have been shown to be effective
12 to reduce gun violence, particularly in our
13 cities.

14 Nonetheless, we still have
15 900 New Yorkers dying every year as a result of
16 gun-related events, and about half of those
17 deaths are from suicide. That is simply
18 unacceptable. The good news is that though it's
19 unacceptable, it's also preventable.

20 The bill before us today enacting
21 extreme risk protection orders is of course, as
22 we've heard, part of a broader package of gun
23 violence prevention legislation that we're
24 enacting today. I'm very proud that this chamber
25 is taking that up. I thank our leader, Andrea

1 Stewart-Cousins, and all of the sponsors of the
2 bill today. I also thank Senator Hoylman, who is
3 the co-prime sponsor of the extreme risk
4 protection order bill for his leadership.

5 It's been said a few moments ago
6 that we haven't had the opportunity to debate
7 this bill and others. That is simply not true.

8 We have been working on this bill in
9 New York State since 2014. This bill has been
10 debated at least three times in the New York
11 State Assembly, including when I was still a
12 member of the New York State Assembly, and it was
13 debated and passed.

14 We have had an opportunity to
15 discuss it in committee this time around. And
16 indeed, the Democrats in this chamber last year
17 pushed for conversations and discussions on the
18 floor of this bill last year, and we did have an
19 opportunity to discuss this bill in this chamber.

20 Moreover, this bill has been debated
21 across the country such that 13 states have now
22 enacted laws like this.

23 What we're doing today is enacting a
24 law that will allow family members and household
25 members, school administrators, law enforcement,

1 including police and district attorneys, to seek
2 an order from a court when they can present
3 evidence that somebody is likely to harm
4 themselves or others. There are a lot of due
5 process protections that are built into this
6 bill, including multiple hearings that are
7 required at different stages of this process.

8 It is not, as some of my colleagues
9 said, a bill where you can walk down the street
10 and somebody passing by can seek one of these
11 orders. It is not a bill where you can go to
12 court and have your neighbor's guns taken away.
13 The petitioners are specified in the bill, and
14 the standards are specified in the bill.

15 Unfortunately, in many instances
16 where we see tragedies, there are signs that
17 people see that somebody is likely to do
18 something dangerous. It was true in Parkland,
19 where the great hero Scott Beigel -- and his
20 family is here today -- has been acknowledged
21 today, for good reason today. But people saw
22 repeated signs that that particular individual
23 was likely to harm themselves or others, and yet
24 there was nothing that law enforcement or the
25 teachers or anybody else could do about it under

1 law at that time in Florida.

2 And of course the Republican
3 governor of Florida signed an extreme risk
4 protection order bill into law in Florida to
5 protect Floridians as a result of that.

6 The bottom line here today, I want
7 to talk a little bit about mental health. And it
8 is a shame that, you know, the objections that
9 were raised on the other side were only raised in
10 explaining votes rather than having a discussion
11 here in this chamber. But we've spoken a lot
12 about mental health here today.

13 The simple fact is there are
14 existing provisions for mental health treatment,
15 to force mental health treatment. There is
16 already a Kendra's Law. Most of us voted last
17 year to strengthen that law, on March 26, 2018.
18 But what we don't have in New York is an
19 effective means for family members and others to
20 separate people from their guns when the presence
21 of a gun is a substantial reason why there is
22 such risk.

23 I want to read from the American
24 Psychiatric Association's guidance on this very
25 issue published in June 2018. They point out

1 that the reason we do these kinds of laws is that
2 they focus on acute dangerousness rather than
3 psychiatric history or diagnosis. They point out
4 that background checks are primarily about not
5 purchasing guns, but we lack an ability and a
6 legal framework to remove guns that people
7 possess when they're dangerous.

8 They point out that the gun removal
9 laws provide legal options for mental health
10 professionals and family members that supplement
11 the existing provisions.

12 And finally, they point out that --
13 and this has been documented again and again --
14 most people who commit these acts do not have
15 current treatment and psychiatric assistance.
16 Laws like this bring those people to light and
17 allow our society to address that.

18 In Connecticut, where these laws
19 have been very effective and on the books for a
20 long time, after they began enforcing them in a
21 serious way after the VMI tragedy, they had a
22 13.7 percent reduction in the rate of suicide
23 statewide in our neighboring state of Connecticut
24 as a result of their law. Moreover, a majority
25 of people who were the subject of that law did

1 get mental health treatment after the order was
2 issued.

3 I ask my colleagues, I implore my
4 colleagues, join us in supporting this bill and
5 join us in ensuring that everybody in New York
6 State knows that this tool is available, that we
7 have a means of preventing these tragedies, and
8 that's what we're doing today.

9 Thank you. I vote in the
10 affirmative.

11 ACTING PRESIDENT BENJAMIN: The
12 Senator will be recorded in the affirmative.

13 Senate Majority Leader Andrea
14 Stewart-Cousins to explain her vote.

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

17 Again, this has been another day
18 where we've taken, I think, incredible action in
19 this house, because incredible action during
20 these times is really what's necessary.

21 People across the country and here
22 in New York have been calling for real gun
23 reforms. People have said enough is enough. I
24 know many of us have walked with the children in
25 our communities begging for adults to take

1 responsible action and say "We protect you, we
2 hear you, and we care."

3 Every day we wake up to headlines
4 that talk about another mass shooting. I mean,
5 we're only a month into 2019 and already there
6 have been 27 mass shootings. Think about that.
7 Almost one a day. And over the past weekend,
8 five people were murdered by a single gunman.
9 Just yesterday, four police officers in Houston
10 were shot following their execution of a search
11 warrant.

12 Clearly this is an epidemic. And
13 clearly the madness has to stop. I don't think
14 anybody in the chamber, no matter what you think
15 is the solution, nobody is saying that it is not
16 an epidemic problem.

17 So studies have shown that states
18 like New York with stronger firearm safety laws
19 have fewer gun-caused deaths.

20 So here we are. It's been six years
21 to the month since we've done any, any gun laws
22 in this state. And there have been thousands and
23 thousands of our fellow citizens who are dying in
24 senseless gun tragedies. And what we have
25 offered in this state and elsewhere are thoughts

1 and prayers, while people like the Schulmans,
2 like the Nolans, like the advocates, like the
3 children, are begging for us to do something.

4 Today is a day where we acknowledge
5 that unless we fix a whole lot of things, this
6 won't stop. But if we just offer -- which we
7 do -- our condolences, our thoughts and our
8 prayers, and do nothing, it surely won't stop.

9 Today is a day where we thank you
10 for your advocacy, where we thank all the
11 advocates and the kids who are out there on the
12 street already engaged because they are afraid
13 for a future of inaction. Today we are saying
14 our condolences, our gratitude, our thoughts, our
15 prayers, and today we vote to enact the law.

16 I vote aye.

17 ACTING PRESIDENT BENJAMIN: The
18 Senator will be recorded in the affirmative.

19 Announce the results.

20 THE SECRETARY: Those recorded in
21 the negative on Calendar Number 95 are
22 Senators Akshar, Amedore, Antonacci, Flanagan,
23 Funke, Gallivan, Griffo, Helming, Jacobs, Jordan,
24 Lanza, Little, O'Mara, Ortt, Ranzenhofer,
25 Ritchie, Robach, Serino, Seward, Tedisco and

1 Young.

2 Ayes, 42. Nays, 21.

3 ACTING PRESIDENT BENJAMIN: The
4 bill is passed.

5 (Standing ovation.)

6 ACTING PRESIDENT BENJAMIN: Senator
7 Gianaris, that completes the controversial
8 reading of the calendar.

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

11 Can we now go to the
12 noncontroversial reading of the supplemental
13 Senate active list.

14 ACTING PRESIDENT BENJAMIN: The
15 Secretary will read.

16 THE SECRETARY: Calendar Number 82,
17 by Senator Amedore, Senate Print 712, an act to
18 amend Chapter 218 of the Laws of 2009 amending
19 the Tax Law.

20 ACTING PRESIDENT BENJAMIN: There
21 is a home-rule message at the desk.

22 The Secretary will read the last
23 section.

24 Order in the chamber, please.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BENJAMIN: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN: Senator
6 Amedore to explain his vote.

7 SENATOR AMEDORE: Thank you,
8 Mr. President. I rise to explain my vote.

9 You know, sometimes in Albany bills
10 get caught up in the ugliness of politics. This
11 was unfortunately the case with this bill, and it
12 came at the expense of the local governments of
13 Greene County. Because their mortgage tax
14 extender was not passed by the Assembly last
15 year, Greene County lost out \$60,000 in the month
16 of December, \$75,000 in the month --

17 ACTING PRESIDENT BENJAMIN: Excuse
18 me, Senator Amedore.

19 Order in the chamber, please.

20 SENATOR AMEDORE: -- in the month
21 of January.

22 So I hope that this bill passes so
23 that they can get back on track, because
24 Greene County is one of those small rural upstate
25 counties that needs the revenue.

1 I want to thank my colleagues for
2 making this a priority, for bringing this to the
3 floor early on this legislative session year.
4 And now I hope that we can take the next steps in
5 making sure that the State Budget will have the
6 funds appropriated so that Greene County, along
7 with three other upstate counties, can get the
8 much-needed funding that was lost because of
9 political games.

10 Thank you, Mr. President. I vote
11 aye.

12 ACTING PRESIDENT BENJAMIN: The
13 Senator will be recorded in the affirmative.

14 Announce the results.

15 THE SECRETARY: Those recorded in
16 the negative on Calendar Number 82 are
17 Senators Brooks, Gaughran, Harckham, Kaminsky,
18 Kaplan, Kennedy, Lanza, Martinez, Metzger,
19 Skoufis and Thomas.

20 Ayes, 52. Nays, 11.

21 ACTING PRESIDENT BENJAMIN: The
22 bill is passed.

23 THE SECRETARY: Calendar Number 83,
24 by Senator Little, Senate Print 720, an act to
25 amend Chapter 327 of the Laws of 2006.

1 ACTING PRESIDENT BENJAMIN: There
2 is a home-rule message at the desk.

3 The Secretary will read the last
4 section.

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

7 ACTING PRESIDENT BENJAMIN: Call
8 the roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT BENJAMIN: Senator
11 Little to explain her vote.

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

14 I'd like to begin by expressing my
15 apologies to two of the six counties I
16 represent -- Essex County, which is this bill;
17 Warren County, which is the next bill -- that
18 their mortgage tax was not extended. This was an
19 existing mortgage tax, which many counties have.
20 And because of what was going on and the way the
21 session ended last year, we did not get it. And
22 they have lost money as a result of it.

23 But I also want to express my
24 appreciation that these bills were brought
25 forward today. We have these home rules. But it

1 was very important that we get these extended as
2 quickly as possible, because this was a loss to
3 these counties of revenue that they had expected
4 to receive.

5 So thank you for bringing them
6 forth, and I vote aye.

7 ACTING PRESIDENT BENJAMIN: The
8 Senator will be recorded in the affirmative.

9 Announce the results.

10 THE SECRETARY: Those recorded in
11 the negative on Calendar Number 83 are
12 Senators Brooks, Gaughran, Harckham, Kaminsky,
13 Kaplan, Kennedy, Lanza, Martinez, Metzger,
14 Skoufis and Thomas.

15 Ayes, 52. Nays, 11.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number 84,
19 by Senator Little, Senate Print 721, an act to
20 amend Chapter 368 of the Laws of 2008.

21 ACTING PRESIDENT BENJAMIN: There
22 is a home-rule message at the desk.

23 The Secretary will read the last
24 section.

25 THE SECRETARY: Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT BENJAMIN: Call
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT BENJAMIN:
6 Announce the results.

7 THE SECRETARY: Those recorded in
8 the negative on Calendar Number 84 are
9 Senators Brooks, Gaughran, Harckham, Kaminsky,
10 Kaplan, Kennedy, Lanza, Martinez, Metzger,
11 Skoufis and Thomas.

12 Ayes, 52. Nays, 11.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 THE SECRETARY: Calendar Number 86,
16 by Senator Young, Senate Print 959, an act to
17 amend Chapter 98 of the Laws of 2009.

18 ACTING PRESIDENT BENJAMIN: There
19 is a home-rule message at the desk.

20 The Secretary will read the last
21 section.

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

24 ACTING PRESIDENT BENJAMIN: Call
25 the roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT BENJAMIN:

3 Announce the results.

4 THE SECRETARY: Those recorded in
5 the negative on Calendar Number 86 are
6 Senators Brooks, Gaughran, Harckham, Kaminsky,
7 Kaplan, Kennedy, Lanza, Martinez, Metzger,
8 Skoufis and Thomas.

9 Ayes, 52. Nays, 11.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 That completes the noncontroversial
13 of the supplemental active list.

14 Senator Gianaris.

15 SENATOR GIANARIS: Mr. President,
16 can we please return to motions and resolutions.

17 ACTING PRESIDENT BENJAMIN: Motions
18 and resolutions.

19 Senator Gianaris.

20 SENATOR GIANARIS: Thank you.

21 On behalf of Senator Carlucci, on
22 page 4 I offer the following amendments to
23 Calendar 49, Senate Print 521, and ask that said
24 bill retain its place on Third Reading Calendar.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is amended and shall retain its place on the
2 Third Reading Calendar.

3 SENATOR GIANARIS: On behalf of
4 Senator Bailey, I move the following bill be
5 discharged from its respective committee and be
6 recommitted with instructions to strike the
7 enacting clause: Senate Bill 2573.

8 ACTING PRESIDENT BENJAMIN: The
9 bill is amended and shall retain its place on the
10 Third Reading Calendar.

11 SENATOR GIANARIS: Mr. President,
12 on behalf of Leader Stewart-Cousins, I hand up
13 the following leadership and committee
14 assignments for the Majority Conference and ask
15 that they be filed in the Journal.

16 ACTING PRESIDENT BENJAMIN: The
17 hand-ups are received and filed.

18 SENATOR GIANARIS: And in
19 consultation with Senator Flanagan,
20 Leader Stewart-Cousins hands up the following
21 Minority Conference leadership and committee
22 assignments, and I ask that such assignments also
23 be filed in the Journal.

24 ACTING PRESIDENT BENJAMIN: The
25 hand-ups are received and filed.

1 Senator Gianaris.

2 SENATOR GIANARIS: Mr. President,
3 is there any further business at the desk?

4 ACTING PRESIDENT BENJAMIN: There
5 is no further business at the desk.

6 SENATOR GIANARIS: I move to
7 adjourn until Monday, February 4th, at 3:00 p.m.,
8 intervening days being legislative days.

9 ACTING PRESIDENT BENJAMIN: On
10 motion, the Senate stands adjourned until Monday,
11 February 4th, at 3:00 p.m., intervening days
12 being legislative days.

13 (Whereupon, the Senate adjourned at
14 2:11 p.m.)

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