

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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8
9 ALBANY, NEW YORK

10 June 9, 2020

11 11:53 a.m.

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13
14 REGULAR SESSION

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16
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 ask everyone present to please
5 rise and recite 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, let us bow our heads in a
10 moment of silent reflection or prayer.

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

13 ACTING PRESIDENT BENJAMIN: The
14 reading of the Journal.

15 THE SECRETARY: In Senate, Monday,
16 June 8, 2020, the Senate met pursuant to
17 adjournment. The Journal of Sunday, June 7,
18 2020, 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: Senator LaValle

1 moves to discharge, from the Committee on Local
2 Government, Assembly Bill Number 7493 and
3 substitute it for the identical Senate Bill
4 Number 5571, Third Reading Calendar 684.

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

7 THE SECRETARY: Senator Thomas
8 moves to discharge, from the Committee on Local
9 Government, Assembly Bill Number 7011B and
10 substitute it for the identical Senate Bill
11 Number 5667B, Third Reading Calendar 685.

12 ACTING PRESIDENT BENJAMIN: The
13 substitution is so ordered.

14 THE SECRETARY: Senator O'Mara
15 moves to discharge, from the Committee on Local
16 Government, Assembly Bill Number 8222A and
17 substitute it for the identical Senate Bill
18 Number 6369A, Third Reading Calendar 689.

19 ACTING PRESIDENT BENJAMIN: The
20 substitution is so ordered.

21 THE SECRETARY: Senator LaValle
22 moves to discharge, from the Committee on Local
23 Government, Assembly Bill Number 8195 and
24 substitute it for the identical Senate Bill
25 Number 6379, Third Reading Calendar 690.

1 ACTING PRESIDENT BENJAMIN: The
2 substitution is so ordered.

3 THE SECRETARY: Senator Liu moves
4 to discharge, from the Committee on Local
5 Government, Assembly Bill Number 9094 and
6 substitute it for the identical Senate Bill
7 Number 7158, Third Reading Calendar 702.

8 ACTING PRESIDENT BENJAMIN: The
9 substitution is so ordered.

10 THE SECRETARY: Senator Borrello
11 moves to discharge, from the Committee on
12 Transportation, Assembly Bill Number 8156A and
13 substitute it for the identical Senate Bill
14 Number 7281, Third Reading Calendar 703.

15 ACTING PRESIDENT BENJAMIN: The
16 substitution is so ordered.

17 THE SECRETARY: Senator Borrello
18 moves to discharge, from the Committee on Cities,
19 Assembly Bill Number 7648 and substitute it for
20 the identical Senate Bill Number 7538,
21 Third Reading Calendar 708.

22 ACTING PRESIDENT BENJAMIN: The
23 substitution is so ordered.

24 Messages from the Governor.

25 Reports of standing committees.

1 Report of select committees.

2 Communications and reports from
3 state officers.

4 Motions and resolutions.

5 Senator Gianaris.

6 SENATOR GIANARIS: Mr. President, I
7 move to adopt the Resolution Calendar.

8 ACTING PRESIDENT BENJAMIN: All in
9 favor of adopting the Resolution Calendar please
10 signify by saying aye.

11 (Response of "Aye.")

12 ACTING PRESIDENT BENJAMIN:

13 Opposed, nay.

14 (No response.)

15 ACTING PRESIDENT BENJAMIN: The
16 Resolution Calendar is adopted.

17 Senator Gianaris.

18 SENATOR GIANARIS: At this time,
19 Mr. President, we're going to take up select
20 items off of the calendar. So can we please take
21 up the calendar, and particularly Calendar Number
22 691, 749, 750 and 751.

23 ACTING PRESIDENT BENJAMIN: The
24 Secretary will read.

25 THE SECRETARY: Calendar Number

1 691, Senate Print 6601B, by Senator Bailey, an
2 act to amend the Civil Rights Law.

3 ACTING PRESIDENT BENJAMIN: Read
4 the last 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:
11 Senator Bailey to explain his vote.

12 SENATOR BAILEY: Thank you,
13 Mr. President. I appreciate the time to be able
14 to speak briefly on this important piece of
15 legislation.

16 I want to thank Leader Andrea
17 Stewart-Cousins for allowing, once again, another
18 important bill in this package to reach the
19 floor. And I really want to thank my Assembly
20 sponsor, Assemblywoman Nathalia Fernandez, for
21 having a conversation with me about the
22 importance of this bill.

23 It was related to the 2017 death in
24 police custody of a man by the name of Andrew
25 Kearse. He was a Bronx man, and what happened,

1 he sustained a heart attack while in the care of
2 police officers in Schenectady, New York.

3 This has been a significantly
4 difficult experience for the Kearsse family, but
5 today we are able to achieve some sort of a
6 modicum of -- of something for that family, in
7 the form of ensuring that there is a duty that,
8 while in the care of an officer, that they have
9 to -- that these officers are going to have to
10 call somebody for backup if they know that
11 immediate medical attention is required.

12 I think that this goes a long way
13 in, again, securing and ensuring the public trust
14 between officers in our community. And I am
15 proud to cast my vote, and I am appreciative of
16 all of my colleagues who are supporting this
17 legislation as well.

18 I vote aye, Mr. President.

19 ACTING PRESIDENT BENJAMIN:
20 Senator Bailey to be recorded in the affirmative.

21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar 691, those Senators voting in the
24 negative are Senators Borrello and LaValle.

25 Ayes, 57. Nays, 2.

1 ACTING PRESIDENT BENJAMIN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 749, Senate Print 8493, by Senator Parker, an act
5 to amend the Executive Law.

6 ACTING PRESIDENT BENJAMIN: Read
7 the last section.

8 THE SECRETARY: Section 3. This
9 act shall take effect on the first of April.

10 ACTING PRESIDENT BENJAMIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN:
14 Senator Parker to explain his vote.

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

17 I rise today to explain my vote on I
18 think a piece of legislation that is well
19 overdue. The order of the day is transparency
20 and accountability. Body cams provide that. We
21 do it in New York City, we do it in multiple
22 places across the state and across the country.
23 It is past time that the State Police get a
24 program to do this.

25 I was proud to have an opportunity

1 to work with the State Police and the
2 State Police union in order to craft this bill in
3 a way in which it not only provides the
4 transparency and accountability but also did not
5 interfere with work rules.

6 And so this is going to be I think
7 an important step in terms of regaining the trust
8 of the public and making sure that both our
9 police remain safe and our citizens have the kind
10 of confidence that they should in their
11 law enforcement agencies.

12 Thank you so much. I vote aye.

13 ACTING PRESIDENT BENJAMIN:
14 Senator Parker to be recorded in the affirmative.

15 Senator Akshar to explain his vote.

16 SENATOR AKSHAR: I want to thank
17 the sponsor for the legislation.

18 I too share his passion with
19 programs like this. Back at home I've used a
20 good portion of my public protection dollars to
21 afford police agencies to in fact stand these
22 particular programs up. I think they're
23 beneficial to both the community as well as the
24 members of law enforcement themselves.

25 Here's what I would ask the sponsor

1 to do. As we move forward and we roll this
2 program out, programs like this are incredibly
3 expensive. And it would be my hope and desire
4 that this body, along with our friends in the
5 Assembly, would ensure that the Division of the
6 State Police have the appropriate funds to not
7 only stand this program up but to sustain the
8 program through its longevity.

9 Mr. President, I vote aye.

10 ACTING PRESIDENT BENJAMIN:

11 Senator Akshar to be recorded in the affirmative.

12 Senator Ramos to explain her vote.

13 SENATOR RAMOS: Yes, hi, thank you,
14 Mr. President. I am here of course to speak in
15 support of my bill.

16 Not only did we write this bill
17 months ago thinking about there being parity
18 amongst police officers, making sure that
19 above-ground matches underground -- but over the
20 last few weeks, we've seen that it has taken a
21 pandemic for the world to realize just how
22 egregious police brutality can be.

23 And unfortunately, the policing of
24 the MTA has been no different. We saw a woman of
25 color during the pandemic, a mother, have her

1 child removed, we've seen street vendors harassed
2 in subways by police officers, we've seen a gun
3 pulled on subway riders by a police officer --
4 none of which -- none for which there is footage.

5 And so we're learning that none of
6 these acts of police brutality and racism -- in
7 many instances, these acts are not all filmed.
8 And so we need to make sure that there's footage
9 out there that will allow the victims of police
10 brutality to be able to seek justice for the
11 mistreatment of the supposed public servants that
12 are out there to protect them.

13 So I want to thank all my colleagues
14 who are supportive of this bill. It is critical
15 that racism and acts of violence on behalf of the
16 police are filmed, and that we continue to strive
17 towards defunding law enforcement and thinking
18 about actual public safety instead of defending
19 the brass. It's time to disband the brass, and
20 it's time to keep an eye on them in the meantime.

21 Thank you.

22 ACTING PRESIDENT BENJAMIN: Senator
23 Ramos to be recorded in the affirmative.

24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar Number 749, voting in the negative:

2 Senator Ortt.

3 Ayes, 60. Nays, 1.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 750, Senate Print 8495, by Senator Benjamin, an
8 act to amend the Executive Law.

9 ACTING PRESIDENT BENJAMIN: Read
10 the last section.

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

13 ACTING PRESIDENT BENJAMIN: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN:
17 Announce the results.

18 THE SECRETARY: Ayes, 61.

19 ACTING PRESIDENT BENJAMIN: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 751, Senate Print 8496, by Senator Bailey, an act
23 to amend the Civil Rights Law and the Public
24 Officers Law.

25 SENATOR GALLIVAN: Lay it aside.

1 ACTING PRESIDENT BENJAMIN: Lay it
2 aside.

3 Senator Gianaris.

4 SENATOR GIANARIS: Mr. President,
5 can we now please suspend the reading of the
6 calendar and let's take up the one bill that was
7 placed on the controversial calendar.

8 ACTING PRESIDENT BENJAMIN: The
9 Secretary will ring the bell.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number
12 751, Senate Print 8496, by Senator Bailey, an act
13 to amend the Civil Rights Law and the Public
14 Officers Law.

15 SENATOR GALLIVAN: Lay it aside.

16 ACTING PRESIDENT BENJAMIN: We're
17 in the controversial calendar now, so you laid it
18 aside already. We're going --

19 SENATOR GALLIVAN: {Inaudible.}

20 ACTING PRESIDENT BENJAMIN: Yes.

21 SENATOR GALLIVAN: Thank you.

22 ACTING PRESIDENT BENJAMIN: No
23 problem.

24 Senator Akshar.

25 SENATOR AKSHAR: Mr. President,

1 thank you for your indulgence. I thank the
2 sponsor as well before we begin here.

3 Mr. President, through you, if the
4 sponsor would yield for a few questions.

5 ACTING PRESIDENT BENJAMIN: Will
6 the sponsor yield?

7 SENATOR BAILEY: I yield.

8 ACTING PRESIDENT BENJAMIN: The
9 sponsor yields.

10 SENATOR AKSHAR: Would the sponsor
11 be so kind as to just give me an explanation of
12 the bill.

13 SENATOR BAILEY: Sure. This bill
14 would repeal Section 50-a of the Civil Rights
15 Law, but add necessary privacy protections to
16 protect the records of the members that were
17 previously protected under the -- that are
18 currently protected under Statute 50-a until the
19 time that it is repealed from law.

20 SENATOR AKSHAR: Mr. President,
21 through you, if the sponsor would continue to
22 yield.

23 ACTING PRESIDENT BENJAMIN: Does
24 the sponsor yield?

25 SENATOR BAILEY: I will yield.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

3 SENATOR AKSHAR: Can you just
4 elaborate a little bit on those protections that
5 you speak of?

6 SENATOR BAILEY: Sure. So there
7 are some mandatory provisions that appear in
8 Sections 3 and 4 of the bill. The mandatory
9 protections in Sections 3 and 4 of the bill are
10 mandatory redactions. And these mandatory
11 redactions that are always redacted are home
12 addresses, personal telephone numbers, personal
13 cellphone numbers, personal email addresses of
14 the officers and their families.

15 These -- these are conversations
16 that when I held hearings back in October, one in
17 the City of New York and one up in Albany, that
18 was the number-one concern, that privacy was an
19 issue.

20 And we heard the concerns of the
21 members of law enforcement, and I share those
22 concerns that their families and their own
23 personal records should not be subjected to
24 disclosure. So that's the reason why we
25 strengthen that ability in this piece of

1 legislation.

2 SENATOR AKSHAR: Mr. President,
3 through you, if the sponsor would continue to
4 yield.

5 ACTING PRESIDENT BENJAMIN: Does
6 the sponsor yield?

7 SENATOR BAILEY: I will yield.

8 ACTING PRESIDENT BENJAMIN: The
9 sponsor yields.

10 SENATOR AKSHAR: I want to talk
11 about, if we may, the current statutory framework
12 around this issue of 50-a. Through you,
13 Mr. President, could the sponsor -- could the
14 sponsor let me know how these issues are
15 currently dealt with if a member of the public or
16 a defense counsel wanted access to these records?

17 SENATOR BAILEY: That would be via
18 FOIL. Under FOIL, 50-a bars access to these
19 records.

20 SENATOR AKSHAR: Mr. President,
21 through you.

22 SENATOR BAILEY: If that case went
23 to court, the judge would be able to review that
24 in in re {ph} and issue that under only limited
25 circumstances.

1 SENATOR AKSHAR: Mr. President,
2 through you, if the sponsor would continue to
3 yield.

4 ACTING PRESIDENT BENJAMIN: Does
5 the sponsor yield?

6 SENATOR BAILEY: I will yield.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR AKSHAR: So under the
10 current statutory framework, if a member of the
11 court wanted or needed access to a police officer
12 or a corrections officer, probation, parole --
13 needed access to that file, there is a current
14 framework in place that would allow access to
15 that information.

16 SENATOR BAILEY: Under limited
17 circumstances.

18 SENATOR AKSHAR: Mr. President,
19 through you, could the sponsor tell me what those
20 limited circumstances are.

21 ACTING PRESIDENT BENJAMIN: The
22 sponsor yields for a question?

23 SENATOR BAILEY: Yes, I do.

24 And the attorney that is
25 representing in that matter would have to -- the

1 information that's being requested would have to
2 be substantially related, which is a
3 significantly high burden to prove under the
4 current framework of this -- of 50-a. Which is
5 why it's necessary to ensure that we repeal
6 Section 50-a.

7 SENATOR AKSHAR: I'm sorry,
8 Mr. President, did the sponsor just say that the
9 matter if --

10 ACTING PRESIDENT BENJAMIN: Do you
11 want him to yield?

12 SENATOR AKSHAR: Yes, I do,
13 Mr. President. Would the sponsor yield to
14 another question?

15 SENATOR BAILEY: I will yield, yes.

16 ACTING PRESIDENT BENJAMIN: The
17 sponsor yields.

18 SENATOR AKSHAR: Did the sponsor
19 just suggest that in an effort for -- in the
20 effort of defense counsel or an attorney making
21 application to the court, access to that
22 information would have to be relevant to the
23 issue at hand, and that is a high burden to
24 reach?

25 SENATOR BAILEY: That is -- that is

1 not what I -- that is not what I said, Senator.

2 The burden is significantly high.

3 And what happens is that -- yes, the protections
4 are available via FOIL. But the issue with 50-a
5 is that 50-a has consistently been used as a tool
6 to bar the release of these disciplinary records
7 that have been requested.

8 SENATOR AKSHAR: Mr. President,
9 through you, if the sponsor would continue to
10 yield.

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR BAILEY: I will yield.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR AKSHAR: If I was an
17 attorney, which I'm not, and I was representing
18 my client who was allegedly abused by a member of
19 law enforcement and I wanted access to that
20 police officer's file because I believe that
21 there was information in there that would be
22 beneficial to my client, within the current
23 framework is there a mechanism for me to make
24 application to the court to get access to that
25 information which I believe available?

1 SENATOR BAILEY: So the issue with
2 the fact pattern that you've laid out is that
3 unless you specifically know what information is
4 contained within the disciplinary record which
5 50-a bars, you don't know what you're searching
6 for, which essentially leads you down the road of
7 a fishing expedition. So it's really contextual,
8 Senator.

9 SENATOR AKSHAR: Mr. President,
10 through you, if the sponsor would continue to
11 yield.

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR BAILEY: I do.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR AKSHAR: Isn't that exactly
18 why 50-a was put into the statute, to allow
19 fishing expeditions not to take place?

20 SENATOR BAILEY: Actually --
21 through you, Mr. President, I yield -- in 1976,
22 Senator Frank Padavan's original legislative
23 intent was to stop the annoying and harassment of
24 officers. That is not the intent of the
25 officers. Senator Padavan even went as far to go

1 -- he went so far as to say, in the Times Union
2 in an article I think in 2014, that that was not
3 the intent, that the way that the statute is
4 being used right now has been misapplied and that
5 he did not intend, as the original drafter of the
6 legislation, for it to be applied in that way.

7 SENATOR AKSHAR: Mr. President,
8 through you, if the sponsor would continue to
9 yield.

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR BAILEY: I will yield.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR AKSHAR: What part of the
16 law is 50-a in?

17 ACTING PRESIDENT BENJAMIN: Through
18 you, Mr. President, it's in the Civil Rights Law.

19 SENATOR AKSHAR: I'm sorry,
20 Mr. President, I didn't hear him.

21 SENATOR BAILEY: Through you,
22 Mr. President, it is in the Civil Rights Law,
23 CRL.

24 SENATOR AKSHAR: Mr. President,
25 through you, would the sponsor continue to yield?

1 ACTING PRESIDENT BENJAMIN: Does
2 the sponsor yield?

3 SENATOR BAILEY: I will yield.

4 ACTING PRESIDENT BENJAMIN: The
5 sponsor yields.

6 SENATOR AKSHAR: So it's in the
7 Civil Rights Law, and we are giving up civil
8 rights today by repealing 50-a?

9 SENATOR BAILEY: Through you,
10 Mr. President, I am not certain how more
11 transparency and more availability of
12 disciplinary records would be a violation of
13 civil rights. I'm -- I'm wondering about that,
14 Senator, if you would be so kind as to proffer
15 that information.

16 SENATOR AKSHAR: Is the Senator
17 asking me a question?

18 ACTING PRESIDENT BENJAMIN: Was
19 that a question?

20 SENATOR BAILEY: It was more of a
21 rhetorical statement. But Senator Akshar is a
22 good colleague, and he's welcome to respond if
23 he'd like. I know it's not necessarily the
24 parliamentary procedures, but --

25 ACTING PRESIDENT BENJAMIN: Well,

1 we can do that. Do you want to ask -- do you
2 want to ask Senator Akshar a question?

3 SENATOR BAILEY: No, I'm fine,
4 Mr. President.

5 ACTING PRESIDENT BENJAMIN: Okay.

6 SENATOR AKSHAR: Mr. President, if
7 the sponsor would continue to yield.

8 ACTING PRESIDENT BENJAMIN: Does
9 the sponsor yield?

10 SENATOR BAILEY: I will yield.

11 ACTING PRESIDENT BENJAMIN: The
12 sponsor yields.

13 SENATOR AKSHAR: Well, from my
14 perspective, the fact of the matter is is that
15 this law was put on the books to protect the
16 civil rights of the people that were written
17 about in this law in 1974.

18 I want to bring the sponsor's
19 attention to Section 1 of the 14th Amendment, and
20 I'm just going to read it in part. "No state
21 shall make or enforce any law which shall abridge
22 the privileges or immunities of the United
23 States, nor shall any state deprive any person of
24 life, liberty or property without due process of
25 law."

1 Does the sponsor believe that those
2 that were protected under the current statutory
3 framework are in fact losing their due process?

4 SENATOR BAILEY: Through you,
5 Mr. President, no.

6 SENATOR AKSHAR: Mr. President,
7 through you, if the sponsor would continue to
8 yield.

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR BAILEY: The sponsor
12 yields.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR AKSHAR: Under your bill
16 that we are discussing today, what due process is
17 left for a member of law enforcement,
18 corrections, parole, probation, fire? Where is
19 their due process?

20 SENATOR BAILEY: Through you,
21 Mr. President, the due process is contained
22 within the disciplinary process, the disciplinary
23 processes that are outlined by the respective
24 agencies that these individuals are members of.

25 We are not changing anything based

1 upon -- we are not changing any part whatsoever
2 of the disciplinary process of the folks that you
3 mentioned in your statement.

4 SENATOR AKSHAR: I'm on the bill
5 for just a second.

6 ACTING PRESIDENT BENJAMIN: Senator
7 Akshar on the bill.

8 SENATOR AKSHAR: The fact of the
9 matter is we are. We are eliminating that due
10 process. Because based on our prior conversation
11 or prior back and forth, we have had a discussion
12 about as currently authored, those who want
13 access to that file, there is a framework
14 established that allows for an attorney to have
15 access to that information by following certain
16 procedures.

17 Would the sponsor yield to a couple
18 more questions?

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR BAILEY: Happily so.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR AKSHAR: My good friend is
25 an attorney, is that correct?

1 SENATOR BAILEY: That is correct.

2 SENATOR AKSHAR: Is the sponsor
3 aware of the case The People v. Sandoval?

4 SENATOR BAILEY: A Sandoval
5 hearing. Yes, I am, Mr. President.

6 SENATOR AKSHAR: So Mr. President,
7 through you, if the sponsor would continue to
8 yield.

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR BAILEY: The sponsor does
12 yield.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR AKSHAR: In a Sandoval
16 hearing -- I am not an attorney, so I'm going to
17 ask you -- in a Sandoval hearing, what happens if
18 the people wish to bring prior criminal acts into
19 a current case? If I was -- if I was charged
20 with a robbery and currently on trial and
21 10 years ago I committed a previous robbery, how
22 would the people get that information into court?

23 SENATOR BAILEY: Based upon a
24 conversation that we had in the Codes Committee
25 meeting, I was reminded by our good friend

1 Senator Lanza that it depends on the probative
2 value, the probative value that is weighed in
3 every case. So it depends on context,
4 Mr. President.

5 SENATOR AKSHAR: Okay,
6 Mr. President, through you, if the sponsor would
7 continue to yield.

8 ACTING PRESIDENT BENJAMIN: Does
9 the sponsor yield?

10 SENATOR BAILEY: The sponsor
11 yields.

12 ACTING PRESIDENT BENJAMIN: The
13 sponsor yields.

14 SENATOR AKSHAR: So in -- in that
15 particular instance in which we are talking, the
16 attorneys would make their arguments in relation
17 to using specific information that was relevant
18 to the case at hand. Is that -- is that correct?

19 SENATOR BAILEY: So the Senator
20 would be correct in that limited hypothetical
21 circumstance that he so eloquently drew up. But
22 this bill is about transparency, and it's about
23 more than one specific instance that you can
24 point to. This bill is about transparency and
25 ensuring that not only the public but victims of

1 police brutality have the rights to records and
2 transparency and knowing who's policing us,
3 Mr. President.

4 SENATOR AKSHAR: Mr. President,
5 through you, if the sponsor would continue to
6 yield.

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield?

9 SENATOR BAILEY: I will yield.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR AKSHAR: The question I
13 asked was very specific, in that if the people
14 wished to use information about a case that they
15 were currently prosecuting, if they wished to use
16 past bad behavior or past convictions, there is a
17 certain process to go through in order to get
18 that information into the court.

19 The defendant in that particular
20 case, in the robbery case in which we're
21 speaking, that defendant has certain due process,
22 he has due process, is that correct?

23 SENATOR BAILEY: In that case about
24 a defendant's -- about a defendant in an alleged
25 robbery case, the defendant does have due

1 process.

2 But we're not talking about criminal
3 statutes here. We're talking about, as you said
4 before, the Civil Rights Law. And we're talking
5 about the repeal of Section 50-a. Which, again,
6 was devised, you know, to ensure that harassment
7 and annoyance of officers did not take place.

8 I am not certain how the due process
9 conversation -- or how the Senator could indicate
10 that due process is being taken away by the
11 removal of the statute and the strengthening of
12 the privacy -- of privacy.

13 SENATOR AKSHAR: On the bill for
14 just a moment.

15 ACTING PRESIDENT BENJAMIN:
16 Senator Akshar on the bill.

17 SENATOR AKSHAR: This is -- this
18 has everything to do with due process, in my
19 humble opinion.

20 On one hand we're talking about the
21 rights of a criminal defendant having certain --
22 having due process when it comes to bringing past
23 behavior into the courtroom. And when we're
24 talking about the repeal of 50-a, we're talking
25 about removing that due process from a member of

1 law enforcement or a member of corrections. No
2 longer, if a defense attorney or a member of the
3 public sought to introduce some bad behavior,
4 past bad behavior of a police officer, would that
5 police officer have that due process.

6 So my question, if the sponsor would
7 continue to yield --

8 SENATOR BAILEY: I will yield.

9 ACTING PRESIDENT BENJAMIN: The
10 sponsor yields.

11 SENATOR AKSHAR: -- how is the due
12 process associated in cases in which we described
13 that was articulated in *The People v. Sandoval*
14 any different than a member of the public or an
15 attorney trying to get access to the personnel
16 records of a police officer if he or she sought
17 to bring some type of action against that police
18 officer?

19 SENATOR BAILEY: Through you,
20 Mr. President, this bill does not change the
21 court process, as Senator Akshar mentioned. This
22 bill again points to the issues concerning
23 transparency in Section 50-a.

24 It is -- again, the repeal in this
25 bill is intended to ensure that the public is

1 able to have greater transparency when seeking
2 records. It does not change anything concerning
3 due process, despite the assertions of the
4 Senator.

5 SENATOR AKSHAR: Mr. President,
6 through you, if the sponsor would continue to
7 yield.

8 ACTING PRESIDENT BENJAMIN: Does
9 the sponsor yield?

10 SENATOR BAILEY: The sponsor
11 yields.

12 ACTING PRESIDENT BENJAMIN: The
13 sponsor yields.

14 SENATOR AKSHAR: Is the sponsor
15 talking about transparency, or is he talking
16 about access to the record?

17 SENATOR BAILEY: This bill --
18 through you, Mr. President, the repeal of
19 Section 50-a is to achieve greater transparency.
20 Because the original statute, again, as it was
21 originally intended, has been misused and
22 misinterpreted, based upon the original intent of
23 the legislator that drafted it.

24 That's what this -- that's what
25 today's bill in front of us is concerning.

1 SENATOR AKSHAR: Mr. President,
2 through you, if the sponsor would continue to
3 yield.

4 ACTING PRESIDENT BENJAMIN: Does
5 the sponsor yield?

6 SENATOR BAILEY: I will yield.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR AKSHAR: Under the current
10 framework of 50-a, does the sponsor believe that
11 a member of law enforcement, corrections, fire,
12 et cetera, et cetera, does in fact have some due
13 process in terms of shining light on that file?

14 SENATOR BAILEY: Through you,
15 Mr. President, the notion that the Senator has
16 indicated that -- yes, those members have due
17 process currently. But the burden that has to be
18 shown sort of works in reverse.

19 So you have to show a higher burden
20 right now for those members that you spoke of
21 without even knowing what's in the file. So it's
22 sort of counterintuitive and, again, it goes
23 against the original intent of the legislation
24 that was -- that has been stated a number of
25 times. They have due process. When 50-a is

1 repealed, they will still continue to have due
2 process.

3 Again, the conversation is not about
4 due process. It is about transparency,
5 Mr. President.

6 SENATOR AKSHAR: Mr. President,
7 through you, if the sponsor would continue to
8 yield.

9 ACTING PRESIDENT BENJAMIN: Does
10 the sponsor yield?

11 SENATOR BAILEY: I will yield.

12 ACTING PRESIDENT BENJAMIN: The
13 sponsor yields.

14 SENATOR AKSHAR: Under the current
15 framework, I as a defense attorney could say to
16 the judge, I believe that there is something in
17 Officer A's file, I am requesting that you review
18 that data and see if there's anything substantial
19 in there that is -- that has a direct correlation
20 to the matter at hand.

21 Is that the sponsor's understanding
22 of the current framework?

23 SENATOR BAILEY: So the judge has
24 to review the request and issue -- and issue this
25 prior -- even before they know a clear showing of

1 facts. So again, it kind of runs
2 counterintuitive. How can -- how can you issue
3 that beforehand before you even know what's in
4 the record?

5 Again, these are the reasons why
6 this statute has been misapplied in its current
7 form and the reason why we need to repeal it.

8 SENATOR AKSHAR: Mr. President,
9 through you, if the sponsor would continue to
10 yield.

11 ACTING PRESIDENT BENJAMIN: Does
12 the sponsor yield?

13 SENATOR BAILEY: I will yield.

14 ACTING PRESIDENT BENJAMIN: The
15 sponsor yields.

16 SENATOR AKSHAR: Do you believe
17 that the people -- I'm going back to the issue of
18 People v. Sandoval, bringing past criminal
19 behavior into the courtroom.

20 Do you believe that the people as
21 well have a very high burden to meet to bring
22 past criminal activity into a current trial?

23 SENATOR BAILEY: Again, it depends
24 on the probative value of the information before
25 it's -- it's all contextual, Mr. President.

1 Through you.

2 SENATOR AKSHAR: Mr. President, if
3 the sponsor would continue to yield.

4 ACTING PRESIDENT BENJAMIN: Does
5 the sponsor yield?

6 SENATOR BAILEY: I will yield.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR AKSHAR: If a prosecutor
10 had knowledge that a police officer had some
11 issue in his background, his or her background,
12 whether it be lying on the stand or an assault
13 issue or a complaint of -- whatever it may be --
14 do the people have an obligation to disclose that
15 information to the defense?

16 SENATOR BAILEY: Through you,
17 Mr. President, the problem is that we don't have
18 the knowledge of what's in the file.

19 SENATOR AKSHAR: Let me just --
20 Mr. President, through you, if the sponsor would
21 continue to yield.

22 ACTING PRESIDENT BENJAMIN: Does
23 the sponsor yield?

24 SENATOR BAILEY: I will.

25 ACTING PRESIDENT BENJAMIN: The

1 sponsor yields.

2 SENATOR AKSHAR: Let me just
3 clarify my question a little bit, do a better job
4 articulating.

5 You know, maybe not in the City of
6 New York, because the boroughs are so big and --
7 I'm not, quite honestly, familiar with how the
8 district attorneys' offices are set up. But
9 nonetheless, I would suggest that district
10 attorneys, those prosecuting cases, come to know
11 over a period of time the police officers that
12 they're interacting with on a daily basis.

13 The question is is if a prosecutor
14 had firsthand knowledge of some issue that could
15 be detrimental to the case and beneficial --
16 detrimental to prosecuting the case and
17 beneficial to the defense of the defendant, are
18 the people -- do the people have an obligation to
19 turn that information over to the defense?

20 SENATOR BAILEY: Through you,
21 Mr. President, that would be discoverable
22 information. Anything that is germane to that --
23 to that -- and that would be considered to be
24 Brady material.

25 SENATOR AKSHAR: Mr. President,

1 through you, if the sponsor would continue to
2 yield.

3 ACTING PRESIDENT BENJAMIN: Does
4 the sponsor yield?

5 SENATOR BAILEY: Yes,
6 Mr. President.

7 ACTING PRESIDENT BENJAMIN: The
8 sponsor yields.

9 SENATOR AKSHAR: I appreciate the
10 sponsor, during the outset, talking about holding
11 hearings and listening to folks. And I have said
12 publicly in the last couple of days that I
13 appreciated the fact that you listened and you
14 made -- you've made some changes to this
15 particular piece of legislation. While you and I
16 don't agree on it, I am pleased that you have
17 listened and come a little bit forward.

18 I want to talk about unsubstantiated
19 complaints, because I know that that is an issue
20 in which the police and corrections community
21 have spoken about a lot.

22 Why -- why were no -- why did you
23 not take it a step further and address the
24 unsubstantiated-complaint portion of this
25 conversation in the context of the statute that

1 we're currently debating?

2 SENATOR BAILEY: Through you,
3 Mr. President, the term "substantiated" or
4 "unsubstantiated" is not a term that appears
5 anywhere in this bill. That is a term of art
6 that is unique to the CCRB and the NYPD.

7 So the notion of the word
8 "substantiated" or "unsubstantiated" could not be
9 added because that is an internal determination.
10 And when it's an internal determination, we don't
11 have the ability to weigh in on substantiated
12 versus unsubstantiated.

13 SENATOR AKSHAR: Mr. President,
14 will the sponsor continue to yield?

15 ACTING PRESIDENT BENJAMIN: Does
16 the sponsor yield?

17 SENATOR BAILEY: I will yield.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR AKSHAR: Does the sponsor
21 believe in the CCRB?

22 SENATOR BAILEY: Through you,
23 Mr. President, I believe that the CCRB exists.

24 SENATOR AKSHAR: Through you, if
25 the sponsor would continue to yield.

1 ACTING PRESIDENT BENJAMIN: Does
2 the sponsor yield?

3 SENATOR BAILEY: The sponsor
4 yields.

5 ACTING PRESIDENT BENJAMIN: The
6 sponsor yields.

7 SENATOR AKSHAR: Do you believe
8 that the CCRB is doing the people's work?

9 SENATOR BAILEY: Through you,
10 Mr. President, the CCRB is charged with a
11 difficult job, as you know as a former member of
12 law enforcement, tasked with reviewing things in
13 context. And that's what we hear all the time
14 about law enforcement, how everything has to be
15 understood in context.

16 So I am not a member of the CCRB, so
17 it would be very difficult for me to opine on the
18 nature and their job description and work that
19 they're doing every day.

20 SENATOR AKSHAR: Mr. President,
21 through you, if the sponsor would continue to
22 yield.

23 ACTING PRESIDENT BENJAMIN: Does
24 the sponsor yield?

25 SENATOR BAILEY: I will yield.

1 ACTING PRESIDENT BENJAMIN: The
2 sponsor yields.

3 SENATOR AKSHAR: The sponsor is
4 aware that New York City's very own CCRB has
5 reported that 98 percent of the complaints that
6 are filed against members of the NYPD have been
7 unsubstantiated by that very body?

8 SENATOR BAILEY: Through you,
9 Mr. President, that is not a statistic that I
10 have. The statistic that I have unsubstantiated
11 is 19 percent, I believe. For 2019, it was 19
12 percent.

13 The 98 percent is something that has
14 been bandied around on social media and other
15 mediums, but I have not heard that as confirmed.
16 Substantiated, excuse me, Mr. President, Senator.

17 SENATOR AKSHAR: Okay.
18 Mr. President, through you, if the sponsor would
19 continue to yield.

20 ACTING PRESIDENT BENJAMIN: Does
21 the sponsor yield?

22 SENATOR AKSHAR: I will yield.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR AKSHAR: I just want to

1 make sure, because I might be a little confused
2 on the numbers, you might be a little bit
3 confused.

4 You're suggesting the numbers that
5 you have seen from the CCRB, in the year 2019,
6 19 percent of the complaints against members of
7 the NYPD have been substantiated?

8 SENATOR BAILEY: Through you,
9 Mr. President, that is information from the CCRB
10 obtained from their annual 2018 report, yes.

11 SENATOR AKSHAR: Thank you.

12 Mr. President, will the sponsor
13 continue to yield?

14 ACTING PRESIDENT BENJAMIN: Does
15 the sponsor yield?

16 SENATOR BAILEY: I will yield.

17 ACTING PRESIDENT BENJAMIN: The
18 sponsor yields.

19 SENATOR AKSHAR: Let's go back to
20 unsubstantiated complaints.

21 Again, number one, why did we not
22 remove -- in your amended versions of this
23 particular statute, why did we not remove
24 unsubstantiated complaints from information that
25 would be turned over?

1 And to use your word, what probative
2 value does an unsubstantiated complaint have?

3 SENATOR BAILEY: Through you,
4 Mr. President. Senator Akshar, you would make an
5 excellent attorney. It's never too late to go
6 back to law school.

7 (Laughter.)

8 SENATOR BAILEY: And I'm being a
9 hundred percent serious.

10 When you're talking about
11 unsubstantiated, again, it's very difficult for
12 us to add something that wasn't in the previous
13 iteration. Like "unsubstantiated" or
14 "substantiated," they don't exist in the current
15 statute.

16 Furthermore, when you're talking
17 about "substantiated" versus "unsubstantiated" in
18 the framework that you're discussing them, you
19 have to think about guilty versus not guilty.

20 Now, not guilty doesn't mean
21 innocent, it just means that the case could not
22 be proven. Unsubstantiated does not mean that
23 something didn't happen. It just means that
24 there were circumstances around it that mean
25 that -- that meant that it could not be proved as

1 substantiated.

2 Neither you or I are able to
3 indicate in every case that a complaint is made
4 whether "unsubstantiated" is something that
5 didn't rise to a certain level. We don't know
6 the specific facts, so it's very difficult to
7 opine on "unsubstantiated" versus
8 "substantiated."

9 SENATOR AKSHAR: Mr. President,
10 through you, if the sponsor would continue to
11 yield.

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR BAILEY: I will yield.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR AKSHAR: Well, everybody in
18 this great country is innocent until proven
19 guilty. Could we both agree on that?

20 SENATOR BAILEY: Through you,
21 Mr. President, absolutely. Based on the
22 Constitution. But it hasn't always been applied
23 like that.

24 SENATOR AKSHAR: The Constitution
25 also guarantees the right of due process -- I'm

1 on the bill.

2 ACTING PRESIDENT BENJAMIN:

3 Senator Akshar on the bill.

4 SENATOR AKSHAR: The Constitution
5 of the United States also ensures that each of us
6 have due process. And based on our conversations
7 that we've been having, it is very clear to me
8 that the member of law enforcement, fire,
9 corrections, et cetera, et cetera, is losing
10 their right to due process under these particular
11 changes.

12 I want to -- if the sponsor would
13 continue to yield.

14 ACTING PRESIDENT BENJAMIN: Does
15 the sponsor yield?

16 SENATOR BAILEY: I yield.

17 ACTING PRESIDENT BENJAMIN: The
18 sponsor yields.

19 SENATOR AKSHAR: Who's been the
20 driving force behind repealing 50-a?

21 SENATOR BAILEY: Through you,
22 Mr. President. In a word, everybody. A
23 cross-section of people.

24 The New York Post mentioned it.
25 Labor unions have mentioned it. The Committee on

1 Open Government has mentioned it. The families
2 of individuals who have been killed by the
3 police, they've mentioned it. Legislators have
4 mentioned it. A lot of people have mentioned it.

5 So in this house, much like anything
6 is done, we take consensus. We hold hearings.
7 We hear from the people about what needs to be
8 done and how we do it. And as a legislator, as
9 Legislature, it is our duty to act on what the
10 people want us to do.

11 And this is something that has been
12 brought forth by the people. No one individual
13 or entity has driven the bus on this, to use a
14 metaphor. This has been cooperatively brought
15 forth by a number of people who are frustrated
16 with the lack of transparency.

17 SENATOR AKSHAR: Mr. President,
18 through you, if the sponsor would continue to
19 yield.

20 ACTING PRESIDENT BENJAMIN: Does
21 the sponsor yield?

22 SENATOR BAILEY: I will yield.

23 ACTING PRESIDENT BENJAMIN: The
24 sponsor yields.

25 SENATOR AKSHAR: The sponsor is

1 suggesting that making an oral argument or
2 written argument to a judge as to why he or she
3 should have access to a record, depending on its
4 probative value, and the judge making that
5 determination, is in fact a lack of
6 transparency.

7 SENATOR BAILEY: Through you,
8 Mr. President. At no time during this debate did
9 I say that. Or suggest it.

10 SENATOR AKSHAR: Mr. President,
11 through you, if the sponsor would continue to
12 yield.

13 ACTING PRESIDENT BENJAMIN: Does
14 the sponsor yield?

15 SENATOR BAILEY: I will yield.

16 ACTING PRESIDENT BENJAMIN: The
17 sponsor yields.

18 SENATOR AKSHAR: In terms of other
19 professions throughout the state, some of which,
20 of course, are -- have some oversight by some
21 state agency, how are we dealing with their
22 personnel records?

23 Let me just start with the teachers.
24 What are we doing with those in our public
25 education system? How are we addressing

1 complaints about teachers?

2 SENATOR BAILEY: Through you,
3 Mr. President, teachers are incredibly important.
4 And the manner in which the records are -- that
5 the records that can be made available may be
6 different, but teachers are also not charged with
7 protecting the life and liberty of the public.
8 They're also not charged and have the ability to
9 carry a firearm that can inflict serious injury
10 or, worse, death.

11 So there may be a difference in the
12 way that teachers' disciplinary records can be
13 available, and they can still be made available.
14 But they are not charged with the license to
15 potentially take someone's life.

16 SENATOR AKSHAR: Mr. President,
17 through you, if the sponsor would continue to
18 yield.

19 ACTING PRESIDENT BENJAMIN: Does
20 the sponsor yield?

21 SENATOR BAILEY: I will yield.

22 ACTING PRESIDENT BENJAMIN: The
23 sponsor yields.

24 SENATOR AKSHAR: I'm sorry, just
25 because somebody chooses to put on a uniform and

1 put his or her life in jeopardy every single day
2 by protecting the community that he or she loves,
3 that person should be treated differently in
4 terms of protecting their due process, protecting
5 their files, because they choose not to educate
6 our children, they choose to keep our community
7 safe?

8 And for the record, before you
9 answer, I too agree with you. I'm not picking on
10 teachers; I think those in that profession are
11 incredibly important to the people of this state.

12 SENATOR BAILEY: Through you,
13 Mr. President, I would -- I would say that it's
14 not about the uniform. I would say that it's not
15 about treating them different. You've chosen an
16 honorable profession prior to your life here,
17 Senator Akshar. Those in law enforcement have an
18 incredible duty. It's not a different treatment,
19 it is simply a different -- it is potentially a
20 different standard in the way that records are
21 applied.

22 SENATOR AKSHAR: Mr. President,
23 through you, if the sponsor would continue to
24 yield.

25 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield?

2 SENATOR BAILEY: Yes.

3 ACTING PRESIDENT BENJAMIN: The
4 sponsor yields.

5 SENATOR AKSHAR: Back to the
6 teachers, if we may. In terms of teachers and
7 how they deal with unsubstantiated complaints,
8 can you kind of walk me through that? Because I
9 asked the question and it has relevancy here
10 because we're talking about not addressing
11 unsubstantiated complaints as they pertain to
12 members of law enforcement. But in the teaching
13 profession there is a very clear delineation
14 about what takes place in the Education Law about
15 unsubstantiated accusations of misconduct against
16 teachers. What happens in that situation?

17 SENATOR BAILEY: Again, when we're
18 discussing substantiated versus unsubstantiated,
19 it is very difficult for us to prove what
20 specifically took place in an alleged,
21 unsubstantiated conversation.

22 For example, in the City of New York
23 roughly 3,000 individuals made complaints about
24 racial profiling. Zero were substantiated. Is
25 it anyone's belief within the sound of my voice

1 that nobody out of those 3,000 people was
2 racially profiled? Sometimes you don't exactly
3 get what you get when -- you get what you want
4 when you look at things from a binary lens of
5 substantiated versus unsubstantiated,
6 Mr. President.

7 SENATOR AKSHAR: Mr. President,
8 through you, if the sponsor would continue to
9 yield.

10 ACTING PRESIDENT BENJAMIN: Does
11 the sponsor yield?

12 SENATOR BAILEY: Yes.

13 ACTING PRESIDENT BENJAMIN: The
14 sponsor yields.

15 SENATOR AKSHAR: To my colleague, I
16 mean, every criminal complaint against a citizen
17 of this state is either substantiated or it is
18 unsubstantiated, based on the facts that present.
19 Is -- can we agree on that?

20 SENATOR BAILEY: So there are other
21 categories besides substantiated and
22 unsubstantiated. You can have founded and
23 unfounded as well when you're relating to the
24 NYPD.

25 SENATOR AKSHAR: Mr. President,

1 could the sponsor just clarify that a little bit?

2 I'm sorry, is that -- in terms of
3 what you just said, is that a particular
4 disposition on the book, if you will, within the
5 NYPD in terms of a complaint, either it is
6 founded or unfounded, it is substantiated or
7 unsubstantiated?

8 SENATOR BAILEY: Yes, it's
9 essentially saying that complaints are treated
10 differently depending on the nature of them and
11 the access there -- thereof.

12 SENATOR AKSHAR: Mr. President,
13 through you, if the sponsor would continue to
14 yield.

15 ACTING PRESIDENT BENJAMIN: Does
16 the sponsor yield?

17 SENATOR BAILEY: I will yield.

18 ACTING PRESIDENT BENJAMIN: The
19 sponsor yields.

20 SENATOR AKSHAR: Back to the
21 teacher, because I didn't get an answer.

22 In terms of the Education Law and
23 the teachers, if there is an unsubstantiated
24 complaint, is that unsubstantiated complaint
25 expunged from the record of the teacher?

1 SENATOR BAILEY: Through you,
2 Mr. President, teachers have nothing to do with
3 Section 50-a. They have never had anything to do
4 with Section 50-a. And we can talk about
5 teachers, I would love to talk about teachers in
6 the context of a different bill concerning their
7 disciplinary records.

8 SENATOR AKSHAR: Okay.
9 Mr. President, I'm sorry, and to the sponsor, I'm
10 sorry. Mr. President, if the sponsor would
11 continue to yield.

12 ACTING PRESIDENT BENJAMIN: Does
13 the sponsor yield?

14 SENATOR BAILEY: I will yield.

15 ACTING PRESIDENT BENJAMIN: The
16 sponsor yields.

17 SENATOR AKSHAR: Does the sponsor
18 of this piece of legislation believe that
19 unsubstantiated complaints against members of law
20 enforcement should be expunged from their record?

21 SENATOR BAILEY: Through you,
22 Mr. President. Again, there is a difference
23 between substantiated and unsubstantiated. I
24 cannot tell you today that based on every single
25 complaint, whether substantiated or

1 unsubstantiated, that I will be able to make a
2 determination. Nobody can make a determination,
3 because it is driven by context.

4 When we're talking about
5 substantiated versus unsubstantiated, right, we
6 have to think about the framework of the
7 allegation. Sometimes unsubstantiated claims
8 happen because people don't want to follow up.

9 As something that we brought up in
10 the Codes Committee agenda, I've had personal
11 experiences with police where I was stopped for
12 what I believed to be no reason, and I didn't
13 report it. Now, there's no category, no
14 subsection of unreported claims. But it is --
15 yes, it's my opinion, Senator Robach. It is
16 definitely my opinion, without a doubt. And
17 please don't interrupt me when I'm speaking on
18 the floor.

19 Substantiated versus
20 unsubstantiated, again, it really depends on the
21 context, Mr. President. That's -- I would finish
22 with that.

23 SENATOR AKSHAR: Mr. President,
24 through you, would the sponsor continue to yield?

25 ACTING PRESIDENT BENJAMIN: Does

1 the sponsor yield?

2 SENATOR BAILEY: The sponsor will
3 yield.

4 ACTING PRESIDENT BENJAMIN: The
5 sponsor yields.

6 SENATOR AKSHAR: What about -- I'll
7 use your word. Again, I don't know if we got
8 clarification -- but in terms of founded or
9 unfounded. If there was an allegation of
10 inappropriateness by a member of the NYPD or any
11 other police department, if that was an unfounded
12 accusation, should that be expunged from the
13 officer's record?

14 SENATOR BAILEY: Through you,
15 Mr. President. The issue there is that it's an
16 internal disciplinary process that we don't have
17 any control over. So I would have no knowledge
18 as to -- or no one would have the knowledge as to
19 how those records would be -- how those records
20 would be categorized or completed.

21 SENATOR AKSHAR: Mr. President,
22 through you, if the sponsor will continue to
23 yield.

24 ACTING PRESIDENT BENJAMIN: Does
25 the sponsor yield?

1 SENATOR BAILEY: I will yield.

2 ACTING PRESIDENT BENJAMIN: The
3 sponsor yields.

4 SENATOR AKSHAR: Do we expunge the
5 records of criminals, those who commit criminal
6 acts against others, those who violate the
7 public's trust -- do we expunge their records in
8 this state?

9 SENATOR BAILEY: Through you,
10 Mr. President, we do not expunge records in
11 New York State. Except marijuana convictions
12 that we did last year.

13 SENATOR AKSHAR: Mr. President,
14 through you, if the sponsor would continue to
15 yield.

16 ACTING PRESIDENT BENJAMIN: Does
17 the sponsor yield?

18 SENATOR BAILEY: The sponsor
19 yields.

20 ACTING PRESIDENT BENJAMIN: The
21 sponsor yields.

22 SENATOR AKSHAR: Is the sponsor
23 familiar with Section 160.59 of the Criminal
24 Procedure Law, all records to be sealed of up to
25 two convictions if an individual hasn't

1 reoffended in the previous 10 years?

2 SENATOR BAILEY: Through you,
3 Mr. President, the Senator said it himself,
4 sealed. The word "expunged" does not appear in
5 that subsection of the law.

6 SENATOR AKSHAR: If the sponsor
7 will continue to yield.

8 ACTING PRESIDENT BENJAMIN: Will
9 the sponsor yield?

10 SENATOR BAILEY: Yes.

11 ACTING PRESIDENT BENJAMIN: The
12 sponsor yields.

13 SENATOR AKSHAR: Would the sponsor
14 agree that -- I don't want to go down the
15 substantiated/unsubstantiated path anymore
16 because I believe you feel very passionately
17 about that. How about unfounded complaints or
18 accusations against the police department, should
19 they be sealed?

20 SENATOR BAILEY: Again, it goes to
21 the internal disciplinary process. We don't know
22 how they came to that determination. We don't
23 know what information was compiled in that --
24 about that incident -- that alleged incident, I
25 should say, to be fair. We don't know how it was

1 founded or unfounded.

2 That would be my reply to that,
3 Mr. President.

4 SENATOR AKSHAR: Mr. President,
5 through you, if the sponsor would continue to
6 yield.

7 ACTING PRESIDENT BENJAMIN: Does
8 the sponsor yield?

9 SENATOR BAILEY: I will yield.

10 ACTING PRESIDENT BENJAMIN: The
11 sponsor yields.

12 SENATOR AKSHAR: It seems to me
13 that you are concerned with internal processes as
14 much as having access to the record. Is that a
15 fair assumption? I don't want to make
16 assumptions.

17 SENATOR BAILEY: Through you,
18 Mr. President. Unfortunately -- and I hate to
19 disagree with my good colleague there -- that
20 would not be an assertion -- that would not be
21 accurate. I am simply responding to your
22 questions.

23 And when you're asking me questions
24 about internal processes that I would have no
25 knowledge of, that's simply an answer that that

1 exists.

2 SENATOR AKSHAR: Mr. President, I
3 thank you, and I thank the sponsor for his
4 indulgence. You know that I appreciate you.

5 ACTING PRESIDENT BENJAMIN:
6 Senator Akshar on the bill.

7 SENATOR AKSHAR: I did -- did I not
8 say that? If I didn't say that, my apologies.
9 I'm on the bill.

10 ACTING PRESIDENT BENJAMIN:
11 Senator Akshar on the bill.

12 SENATOR AKSHAR: Mr. President, I
13 thank you.

14 I thank the sponsor for his
15 indulgence. I know that you are incredibly
16 passionate about this issue. You and I disagree
17 on it, and that's okay. But I do thank you for,
18 at the very least, listening to some of the
19 concerns that members of law enforcement have.

20 Mr. President, I'm going to keep the
21 rest of my remarks to myself until time to
22 explain my vote. Thank you.

23 ACTING PRESIDENT BENJAMIN: Are
24 there any other Senators wishing to be heard?

25 Seeing and hearing none, debate is

1 closed.

2 The Secretary will ring the bell.

3 Read the last section.

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

6 ACTING PRESIDENT BENJAMIN: Call
7 the roll.

8 (The Secretary called the roll.)

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

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

13 Today is a historic day, and this
14 bill is of critical importance. And I want to
15 start by thanking so many of my colleagues who
16 worked long and hard to get to this point, most
17 notably Senator Bailey, who you just heard debate
18 the bill and will hear from again, and our
19 leader, Andrea Stewart-Cousins, who has been an
20 historic figure in this chamber and has led us to
21 this day.

22 But it doesn't just stop with the
23 two of them. In the course of this discussion
24 over the last several weeks and months, in
25 talking to members of this body and members of

1 the Assembly who are leaders in their
2 communities, leaders in the black communities in
3 our state, and how every single one of
4 them has a personal story to tell about how the
5 lives of black people in this country are
6 different than everyone else's when it comes to
7 interactions with law enforcement and with the
8 police.

9 Many have been very personally
10 affected directly, as we all saw in the news when
11 Senator Myrie and Assemblywoman Richardson were
12 pepper-sprayed when trying to keep the peace in a
13 protest. Others have had their families be
14 subject to that kind of behavior through the
15 years. And almost all of them and all of us that
16 have any friends who are black have heard stories
17 of the inequity of our police forces.

18 Now, how did we get to this point?
19 Because too often the police themselves -- their
20 union leaders, their defenders -- take an
21 adversarial approach, as if no one can do
22 anything wrong if they're wearing a badge. And
23 you see it any time there's an accusation, the
24 first line of defense: Oh, it must have been
25 something -- you know, it must have been

1 something else. You don't understand, you didn't
2 see it. Until, lo and behold, everyone got
3 cameras on their phones and body cameras on some
4 uniforms. Then that got stripped away.

5 Then it must be something else.
6 Then it must be the demonization of the victim,
7 which we've seen time and again, going back
8 20 years when Rudy Giuliani did it to
9 Patrick Dorsimond, releasing juvenile records, as
10 if that somehow means someone should be abused
11 and beaten and killed.

12 That instinct to defend at all costs
13 is why we have a systemic problem with law
14 enforcement. And when all those layers get
15 stripped away, when there is no -- when it
16 becomes indefensible when you see some of these
17 incidents, it comes down to, well, then, it must
18 be that individual cop. He's a problem. He's a
19 bad apple, is what we hear a lot.

20 It's fascinating to me that the bad
21 apple metaphor gets used in this context, because
22 it's almost as if those that use it have lost
23 sight of where it came from. The idea of a bad
24 apple spoiling the bunch is that when you have a
25 basket of apples and one of them's bad, the rot

1 infests the other apples in the basket.

2 And that's what's happened in our
3 police in this country. Because there's not been
4 a willingness to acknowledge the systemic problem
5 and deal with it and say yes, there is inequity,
6 there is injustice in law enforcement in this
7 country, we have spoiled the whole barrel of
8 apples and the entire system.

9 As we sit here today taking what
10 should be the most basic of approaches and
11 saying, let us know who the people with a history
12 of problems are, so that we can work to improve
13 the system and instill more confidence and faith
14 in it on behalf of the public, there's resistance
15 even to that.

16 I mean, make no mistake, the repeal
17 of 50-a that we're doing right now is critical
18 and important, but it should be just the
19 beginning to changing our society in a way that
20 all people are treated equally and we have a law
21 enforcement that's actually enforcing the laws
22 and not doing things that should not be within
23 its purview.

24 So I am proud to cast my vote in the
25 affirmative on this bill. I thank, again,

1 Senator Bailey and all my colleagues who have had
2 to live a different life than many of us.
3 Growing up, I saw a uniform and I saw a
4 protector. That's what I was taught. And for
5 people of color in our country, they look at it
6 and see a threat. And they're not wrong.

7 And so I'm proud of the entire
8 package of bills we're passing this week, and I'm
9 most proud to cast a vote in the affirmative on
10 this bill repealing 50-a.

11 Thank you, Mr. President.

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

14 Senator Parker to explain his vote.

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

17 This really isn't a time for
18 rejoicing. I'm proud to cast my vote aye for
19 this important bill to provide transparency and
20 some accountability to individual police
21 officers.

22 I know there's been a lot of
23 conversation in this chamber about due process.
24 This is not about taking away due process. This
25 is really about shining light on the records of

1 some bad individuals who should be protecting our
2 communities but oftentimes are not. It has been
3 almost impossible to get a prosecution of a bad
4 police officer in this state, deservedly or not,
5 because of lack of access to their personnel
6 records.

7 This bill does a good job at
8 striking a balance between that transparency and
9 protecting the identity of critical information
10 about that officer. And let me thank Senator
11 Jamaal Bailey for his important work, and all the
12 staff here, and of course our leader, Andrea
13 Stewart-Cousins, for continuing to fight to make
14 sure this important legislation gets passed
15 today.

16 This is going to be really, really
17 important. But as I said, this is no time for
18 rejoicing. This bill has been around for over a
19 decade. This is not a new issue. And the only
20 reason why we're bringing it to the floor now is
21 because the nation is burning.

22 And frankly, African-Americans
23 shouldn't have to burn down the country in order
24 to get basic civil rights and civil liberties.
25 The right not to be killed in the middle of an

1 arrest should be a basic right for people who
2 have lived in this country, and we demand it not
3 just for African-Americans but for all people.

4 And so I'm glad to cast my vote aye
5 today for something that is part of a process of
6 bringing transparency and accountability to the
7 police department and restoring -- or at least
8 hoping to begin the process of restoring -- the
9 confidence of the people of this great state to
10 its government and to its law enforcement
11 agencies.

12 I vote aye.

13 ACTING PRESIDENT BENJAMIN:
14 Senator Parker to be recorded in the affirmative.

15 Senator Salazar to explain her vote.

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

18 It's been eight years since Ramarley
19 Graham, an unarmed 18-year-old black teenager,
20 was shot in his own home by NYPD Officer Richard
21 Haste, in the presence of Ramarley's little
22 brother and his grandmother.

23 Unsurprisingly, Officer Haste never
24 faced criminal charges for stalking Ramarley, for
25 breaking into his home, and for killing him. And

1 despite the harrowing facts of this case, it was
2 difficult to even get the NYPD to hold an
3 internal disciplinary trial until five years
4 later, while Officer Haste remained on the force.

5 It is shameful that Ramarley's
6 family had to rely on records sparsely leaked to
7 the press just to find out basic information
8 about the officers who were responsible for
9 killing Ramarley. We know that several officers
10 were directly involved, but even now, eight years
11 later, at this very moment, Ramarley's family
12 has still only been allowed to know some of those
13 officers' names. And we know even less about
14 whether or not those officers' records included
15 previous violence against unarmed civilians.

16 Repealing Section 50-a is about
17 giving these families answers when we know that,
18 collectively, we have not given them justice.
19 The case of Ramarley Graham is sadly, of course,
20 not the only one. But even more than giving
21 these families the ability to know who killed
22 their children and their siblings, their fathers
23 and mothers, we also have a responsibility to do
24 everything we can to prevent this from happening
25 again and again.

1 This bill will allow New Yorkers to
2 finally find out whether an officer who's
3 currently policing in our communities has racked
4 up complaints for using excessive force or for
5 making illegal stops or for any other kind of
6 misconduct. It will also indicate to us whether
7 police departments have taken these misconduct
8 complaints seriously in the past or whether they
9 have ignored or dismissed them.

10 By repealing Section 50-a, we will
11 make it possible to find out whether police
12 departments have ignored repeated patterns and
13 complaints about officers' behavior. Police
14 departments will no longer be able to conceal
15 whether or not they knew about previous
16 excessive-force complaints in their too-frequent
17 attempts to avoid responsibility.

18 When Officer Haste finally had to
19 face Ramarley Graham's family in an
20 administrative court in 2017, I was present for
21 his disciplinary trial. I listened as the
22 officer gave excuses for profiling Ramarley, for
23 following him home, for breaking into his
24 apartment, and ultimately for taking this young
25 man's life.

1 Officer Haste testified that as he
2 watched Ramarley from a distance, he was
3 suspicious and he chose to follow Ramarley solely
4 because Ramarley was, quote, walking with a
5 purpose.

6 I've reflected over the last few
7 years since that trial about what those words
8 really mean, about what his words tell us about
9 racism in law enforcement and in our society. We
10 live in a world in which it is sometimes treated
11 as a crime and a risk to a young black man's life
12 for him to walk with a purpose, for him to simply
13 walk confidently in his own neighborhood.

14 It shouldn't have taken this current
15 crisis in order to compel us as a Legislature to
16 finally act to improve accountability and
17 transparency. And there's still far more that we
18 must do. We can't afford to continue to delay
19 change and justice. But I'm proud to finally
20 vote in support of repealing 50-a today, and I
21 see this as a step forward. May we all get to
22 see the day when every person, regardless of
23 their skin color, can walk confidently and safely
24 in their own neighborhood.

25 Thank you, Mr. President.

1 ACTING PRESIDENT BENJAMIN: Senator
2 Salazar to be recorded in the affirmative.

3 Senator Hoylman to explain his vote.

4 SENATOR HOYLMAN: Thank you,
5 Mr. President. I rise to explain my vote.

6 I want to thank my colleagues for
7 that debate; in particular, Senator Bailey. I
8 was never so moved on this floor when Senator
9 Bailey earlier this session discussed his
10 great-great-great-grandmother, and the bill of
11 sale that he held surrounding her enslavement was
12 one of the most powerful moments I've ever
13 witnessed on the floor. So I want to thank
14 Senator Bailey for sharing that and for fighting
15 for it. I think she would be extremely proud of
16 you, as I'm sure your entire family is.

17 I want to speak, Mr. President, as
18 an LGBTQ person, because what I see through this
19 movement is something I share as a gay man who
20 witnessed the birth of our human rights movement
21 at Stonewall 51 years ago in my district.

22 Stonewall was a riot. Stonewall was
23 a protest. Stonewall was fighting the police.
24 Stonewall was led by black and brown people,
25 including Marsha P. Johnson, a black transgender

1 woman, and Sylvia Rivera, a black Latina woman.
2 Both of them are representations of what we are
3 witnessing today, that the marches have become a
4 movement and that because of the hundreds of
5 thousands of people across this country -- in our
6 districts, in the city, in the state,
7 internationally -- we have seen civil rights move
8 forward.

9 I just want to share with you,
10 Mr. President, my office has received close to
11 500 telephone calls, over 15,000 emails from
12 constituents in support of the repeal of 50-a.
13 The volume of emails in the Senate is so high
14 that Google has actually throttled our accounts
15 because we were sending out so many responses.

16 This is a landmark moment in so many
17 respects, a transformative movement for all of
18 us.

19 I also want to say that, you know,
20 within every age group -- we see a lot of young
21 people out on the streets, in my district and in
22 others, of all diversity. It's something
23 President Obama has noted as being seminal to the
24 success of this movement. But one of my former
25 colleagues tweeted that his 94-year-old aunt

1 wheeled her walker out to a Black Lives Matter
2 demonstration outside of her building. That's
3 what we're witnessing. It's intergenerational,
4 Mr. President.

5 And I finally want to say that it is
6 a privilege, it is a privilege to be here to
7 stand with my black and brown colleagues, to have
8 this opportunity -- which I hope my colleagues
9 across the aisle share -- that we can respond
10 nationally, internationally, to the needs, to the
11 rights, to the desires, to the dreams of black
12 and brown people by repealing 50-a today.

13 So I vote aye very proudly,
14 Mr. President, and take a stand for racial
15 justice and against police brutality.

16 Thank you.

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

19 Senator Savino to explain her vote.

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

22 I'm going to take this off {removing
23 mask} because I find it rather annoying to wear
24 sometimes.

25 This is a monumental day. It is not

1 often that civil rights are born and die in this
2 chamber. And a civil right that was born in this
3 chamber in 1976 by a former colleague of ours,
4 Senator Frank Padavan, is passing away here
5 today, led by Senator Bailey -- for the right
6 reason then, the right reason now. It's an odd
7 thing to find yourselves at this moment.

8 If you look back at the history of
9 50-a -- I think Senator Bailey touched on it
10 earlier -- the original intent of the law was to
11 prevent attorneys from getting copies of
12 personnel files of police officers to impugn
13 their testimony in criminal trials, to prevent
14 them from being harassed by opportunistic
15 attorneys. It is a law that has been
16 misinterpreted by multiple courts and agencies
17 over the decades, and it has led us to where we
18 are now and has created a level of distrust and a
19 lack of transparency that has created such a
20 sense of distrust amongst the public and
21 law enforcement.

22 And unlike some of my colleagues, I
23 don't believe one bad cop spoils all of them. I
24 believe that the vast majority of the members of
25 the police departments and law enforcement across

1 this state are good people who get up every day,
2 put on a uniform and go to work to make sure that
3 I get home every night and you get home every
4 night.

5 Are there bad ones there? Yes.
6 Should they be dealt with? Absolutely. Should
7 they be disciplined and prosecuted? No doubt.
8 And should we make sure that happens? Quickly,
9 because that one bad apple can make everybody
10 look bad.

11 Heaven forbid we should be judged by
12 the worst of those who have stood in this
13 chamber. I've been in this Senate chamber
14 16 years. Nine of us, since I got here, have
15 gone to prison. I would hate to be judged by
16 their behavior.

17 But we are here today doing
18 something that the public has demanded. And I
19 want to thank Senator Bailey, because he didn't
20 just do a straight-up repeal, he listened. I had
21 the opportunity to talk to him, and I know he
22 consulted the very people who are affected by
23 this.

24 And we were able to make him
25 understand that a straight-up repeal was just not

1 fair, that there are things that people do --
2 everybody makes mistakes at work, everybody gets
3 jammed up. There are disciplinary cases that
4 have nothing whatsoever to do with whether or not
5 you are a danger to the public or whether you're
6 a decent cop. Everyone is late. Everyone calls
7 in sick once too many times. Everyone has a bad
8 day. Those records should not be made public.
9 Your personal information shouldn't be made
10 public. We should protect those things the way
11 we do for other public employees.

12 He listened, he internalized that,
13 and he put it into this law.

14 But we need to go further,
15 Senator Akshar. You talked about it earlier, we
16 spoke about it in the Codes Committee. All
17 public employees should have the ability to have
18 unsubstantiated cases, including disciplinary
19 cases where they were exonerated, expunged from
20 their record. They don't have that now. I'm
21 going to introduce legislation to do that.
22 Because that should not remain in their file.

23 We're going to repeal 50-a, we're
24 going to reform it today, we're going to provide
25 the transparency that the public wants. But I

1 would like to say I've never been a cop, but I
2 have been a union leader. And it disturbs me
3 greatly to hear people say things like "Some
4 people shouldn't have a voice in work" and "We
5 should get rid of police unions."

6 And I'm going to get very emotional
7 about that, because the day when we start saying
8 that any worker shouldn't have the right to have
9 a voice at work, we should strip them of their
10 right to bargaining or collective bargaining
11 rights or representation -- what are we saying?
12 I don't care if you like their union, I don't
13 care if you like their union leader. Every
14 worker in this country deserves collective
15 bargaining rights. That is something that
16 shouldn't even be subject to discussion.

17 I'm going to vote for this bill,
18 Senator Bailey, because I think you've struck the
19 right balance. But let us be careful when we
20 start to talk about who should and shouldn't have
21 rights in this country.

22 Thank you, Mr. President.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Savino to be recorded in the affirmative.

25 Senator Ramos to explain her vote.

1 SENATOR RAMOS: Yes, thank you,
2 Mr. President, once again.

3 I came here to Albany to personally
4 vote for this bill because it's just so important
5 that we begin to lift the cap off of hundreds of
6 years of injustice on behalf of an institution
7 that is a direct result from slave patrols in
8 this country 400 years ago.

9 It's so unfortunate that so many
10 black lives have been lost and that it's taken
11 this pandemic for so many to realize how
12 important it is that black lives matter. Black
13 Lives Matter is the minimum. Black lives
14 shouldn't just matter, they should be cherished,
15 they should be celebrated, and they should be
16 loved.

17 And that is true of our public
18 policy. Because what we've seen and what I fear
19 we'll see now that we repeal 50-a is that the
20 NYPD as an institution, as a bureaucracy, has not
21 been keeping us safe.

22 And this is why before, when we were
23 talking about body cameras, I started to talk
24 about defunding the NYPD. Because it's critical
25 that we do have public safety. It's critical

1 that we rethink, recategorize these emergency
2 response systems that are needed. But there's no
3 need for them to be centralized behind a brass
4 that has a history of being racist, of being
5 misogynist, of being anti-immigrant.

6 I myself in my district have had
7 instances where police officers refuse to provide
8 translation for my neighbors who don't speak
9 English. I'm someone who's been stopped and
10 frisked. I'm someone who actually marched just a
11 few weekends ago in my district and was hit with
12 a baton -- by a Latino police officer.

13 It just has to stop. This is not
14 the way to keep us safe. The NYPD as an
15 institution has not been able to do this. And
16 it's time that we start listening to those who
17 are closest to the pain.

18 So I am here proudly representing
19 not only my black constituents, but all of my
20 constituents, in making sure that we have a
21 bolder vision, a bolder plan that divests from
22 law enforcement and invests in healthcare, in
23 education, in transportation, and in everything a
24 human being needs in order to thrive in this
25 country no matter the color of their skin.

1 I proudly vote to repeal 50-a. I
2 thank the bill sponsor. And let this be just a
3 bright start for what's to come.

4 Thank you.

5 ACTING PRESIDENT BENJAMIN:
6 Senator Ramos to be recorded in the affirmative.

7 Senator Harckham to explain his
8 vote.

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

11 I want to thank, first of all,
12 Senator Bailey for his sponsorship of this
13 measure; you, Mr. President, for your leadership
14 on some of these measures, Senator Parker,
15 Senator Myrie, and of course our leader, Senator
16 Andrea Stewart-Cousins, the Majority Leader, for
17 building consensus around this package.

18 And we are at a stark time in our
19 history, both in our state and in our nation, and
20 it's up to us to now take action. And there are
21 some who would say that this package is somehow
22 anti-police. I would disagree. I would say this
23 is pro-police and pro-community, because it
24 strengthens the bonds between our police
25 departments and the communities they serve

1 through increased transparency and
2 accountability.

3 And I think that's why some of these
4 measures have had broad bipartisan support,
5 because transparency and accountability breed
6 trust. You know, sunshine is a great
7 disinfectant; it also makes things grow and
8 flourish.

9 And this is not just a one-day or a
10 one-set-of-bills remedy. In order to fulfill the
11 promise of our Constitution and our nation that
12 everyone receive fair justice, we are making a
13 start. This is a down payment. But there are so
14 many other avenues of our society, from education
15 to healthcare to housing -- as I believe you said
16 the other day, Mr. President -- we have so much
17 more work to be done.

18 But let this be a down payment on
19 the notion that justice will no longer be denied,
20 and justice will be fair for all. Thank you. I
21 vote aye on this and the entire package.

22 Thank you.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Harckham to be recorded in the affirmative.

25 Senator Borrello to explain his

1 vote.

2 SENATOR BORRELLO: Thank you,
3 Mr. President.

4 The past two weeks have opened a
5 wound in our nation that must demand our
6 attention. Justice must be served for George
7 Floyd and his family, for his shocking and unjust
8 death.

9 But addressing one terrible
10 injustice by creating the potential for many more
11 is not the answer. The repeal of 50-a of the
12 Civil Rights Law will heighten the already
13 significant risk police officers face every day
14 by opening personnel records, including reports
15 of unsubstantiated and unfounded complaints.

16 The very nature of law enforcement
17 is one that incites many vengeful perpetrators to
18 retaliate by filing groundless complaints. Now
19 those unfounded complaints will become fodder to
20 discredit officers or, even worse, they may
21 trigger anger and violence.

22 While any officer who abuses their
23 position must be held accountable in a court of
24 law, this is not about accountability. This is
25 reckless. Just like we saw with bail reform,

1 leaving the group most affected out of the
2 conversation about how to improve the system will
3 have unintended consequences and tragic results.
4 The repeal of 50-a without a thoughtful dialogue
5 and debate about the reforms will lead to
6 disastrous results, like we saw with bail reform.
7 It's going to make New Yorkers less safe.

8 This is the repeal of a civil right.
9 Everyone deserves due process, even police
10 officers and members of law enforcement. Where
11 else in our nation do we allow false and
12 unsubstantiated claims to be used against anyone?
13 This is unjust. It's wrong. It is absolutely a
14 violation of our Constitution. We as Americans
15 should always allow due process, and we are
16 innocent until proven guilty. And in other
17 situations in this chamber, we've had that exact
18 discussion. So this is hypocritical at best.

19 I am voting no. I am standing with
20 those who serve us every day and risk their
21 lives.

22 Thank you, Mr. President.

23 ACTING PRESIDENT BENJAMIN: Senator
24 Borrello to be recorded in the negative.

25 Senator Mayer to explain her vote.

1 SENATOR MAYOR: Thank you,
2 Mr. President. I want to explain my vote.

3 And thank Senator Bailey and our
4 leader, Senator Andrea Stewart-Cousins, for
5 bringing this bill to the floor.

6 Today we are taking a bold and
7 important first step toward reform in our system
8 of policing, a step we must take to begin to
9 rebuild the trust between law enforcement and the
10 black and brown New Yorkers they are pledged to
11 serve.

12 As someone who has worked closely
13 with my local police departments as well as
14 police and other law enforcement unions
15 statewide, this was not an easy decision.
16 Nevertheless, it is the right decision.

17 For years I thought the incremental
18 changes that I supported within the law
19 enforcement community were practical reforms to
20 address the problem. Like so many others, I
21 thought encouraging diversity in police ranks,
22 community policing, stronger communication
23 between police officials and minority leadership,
24 and enhanced training and tougher leadership that
25 required accountability would limit the targeting

1 of people of color and in some cases the terrible
2 loss of life.

3 I was wrong. We need action to
4 change the institutional forces that sadly have
5 brought us to this day. We cannot have our
6 New York neighbors, constituents and others
7 justifiably afraid they will be pulled over in
8 their cars, accosted on the street, arrested,
9 abused, or in some cases killed. We need change
10 now.

11 I have decided Section 50-a of the
12 Civil Rights Law, adopted over 40 years ago, can
13 no longer be the standard for the release of
14 disciplinary records of officers. Rather, law
15 enforcement officers, like so many other public
16 officials, must be accountable to the public in
17 order for trust to be restored.

18 While maybe well-intentioned so many
19 years ago, the statute no longer protects the
20 public or balances the public's interest against
21 the privacy concerns that have been used to
22 defend it. The Court of Appeals as recently as
23 2018, in NYCLU vs. New York Police Department,
24 again interpreted the law so broadly as to
25 fundamentally bar all disclosure of prior police

1 disciplinary records.

2 The exception in the law which
3 theoretically allows disclosure is really no
4 exception at all. In reality, under 50-a no one
5 in the public can see an officer's prior
6 disciplinary record under any circumstances.

7 The bill we adopt today which grants
8 additional personal privacy to law enforcement
9 from some of the disclosure provisions of the
10 FOIL law, is a fair adjustment. It protects law
11 enforcement from unwarranted personal disclosures
12 and allows technical infractions to be withheld
13 from the public record.

14 This week I spoke with a
15 distinguished judge advocate general, or JAG
16 officer, in my district who struggled to find
17 answers after the death of George Floyd. She
18 thoughtfully reminded me the military sees these
19 issues quite differently. While clearly
20 imperfect, in the military there's an expectation
21 that all officers are held to a higher standard:
22 They have an affirmative duty to speak up and
23 stop unlawful behavior, and the disclosure of
24 information about prior incidents is actually
25 necessary to ensure fundamental trust in the

1 military system of justice.

2 We should take this comparison to
3 heart as we move to change the laws that have
4 contributed, unfortunately but justifiably, to a
5 fundamental distrust in our law enforcement
6 system. This is a moment of national reckoning
7 that makes me optimistic and determined at the
8 same time -- optimistic because Americans of all
9 colors, faiths and ages are forcing us to look
10 reality in the eye and acknowledge our system
11 must change to confront and end racism in all its
12 forms.

13 However, it is a moment of challenge
14 that only determined action can address.
15 Peaceful and loud demonstrations in the streets
16 of my communities and yours -- in New Rochelle,
17 White Plains, Yonkers, Harrison, Mamaroneck,
18 Bedford, Bronxville, Tuckahoe, Port Chester and
19 elsewhere -- are good: Demonstrations protected
20 under the First Amendment, demonstrations in my
21 communities protected by the police. However,
22 they're not enough. They must lead to real
23 reform. We cannot wait for incremental change
24 and continue to rely on the prior innocent belief
25 that simply the good officers would outweigh and

1 outpower the bad.

2 Demonstrations need to lead to
3 meaningful reform. Sometimes change is
4 uncomfortable. Sometimes change is not easy.
5 Sometimes change comes with risk, even political
6 risk. However, it is our responsibility as
7 elected officials to make this change.

8 The bill I vote for today and the
9 others that are part of this package will be an
10 important step toward this change. These bills
11 will not harm the tens of thousands of
12 professional, compassionate and responsible
13 officers I have supported who have nothing to
14 fear and with whom I will continue to stand.
15 However, it will change the culture of secrecy,
16 the patterns of illegality that have been allowed
17 to fester, and the legalized denial of
18 accountability that have held us back for too
19 long.

20 In the process, we will move our
21 state toward a more just state for every New
22 Yorker -- those whose skin is darker than mine,
23 but those who are equally entitled to our system
24 of justice for all.

25 I proudly vote aye.

1 ACTING PRESIDENT BENJAMIN: Senator
2 Mayer to be recorded in the affirmative.

3 Senator Krueger to explain her vote.

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

6 I want to speak on all of the bills
7 just at one time, because we are clearly all
8 having a broad discussion here today.

9 I also want to recognize and thank
10 my members who have taken the lead on most of the
11 bills that are passing today, most of whom are of
12 color. Because in fact what we are talking about
13 is needing change to ensure that in a country
14 that prides itself on saying we have equal rights
15 for all, that we make sure that we have laws that
16 protect us all equally and respect us all
17 equally.

18 And clearly, for anyone who has not
19 been in a coma recently, we understand that
20 literally the country has stood up, taken to the
21 streets, taken a knee, and said enough is enough,
22 we need to address institutional racism
23 throughout our society.

24 But perhaps most relevant, because
25 of the danger and the harm being done, is making

1 sure we are clear that the laws that we write as
2 legislators and get implemented through our
3 police departments and our courts are implemented
4 in a way that is colorblind, even though clearly
5 none of us are colorblind and we have not
6 addressed core racism in our society.

7 Over the last weeks I have never
8 seen as many emails, calls, and texts from people
9 within my own district, a disproportionately
10 Caucasian district, begging me to support these
11 bills, demanding me to come back to Albany to
12 make sure that these bills get passed.

13 I've never seen the engagement, in
14 the 18 years I've been in the Senate, on the
15 streets -- not only of my entire city, but
16 specifically the people in my district taking to
17 the streets in my district in a peaceful and
18 organized way. This incredible response makes me
19 more proud than ever to represent my community,
20 because my community understands these
21 reforms are decades past due and they are
22 demanding justice disproportionately for people
23 who don't live in my community.

24 And though these bills represent
25 progress, they only go a small way towards

1 righting the wrongs our current system inflicts
2 on African-American people and other people of
3 color on a daily basis in our society. Our
4 housing policies, our public health policies, our
5 education policies, our environmental policies
6 all create the conditions that perpetuate
7 widespread segregation in our country, our state,
8 and our City of New York.

9 That segregation has a direct human
10 cost for individuals and communities of color.
11 We see it clear as day in the disparity of deaths
12 caused by COVID-19 in these communities. Going
13 forward, we must continually recommit ourselves
14 to addressing the structural, systemic racism
15 that results in significantly diminished outcomes
16 for people of color in education, healthcare,
17 employment, the criminal justice system, and on
18 many other fronts.

19 Let me be very clear. These pieces
20 of legislation are not an attack on police
21 officers or any police department. Police
22 officers, like elected officials, are public
23 servants. Elected officials, because we have
24 been given the power to make laws and to allocate
25 public funds, should be held to a higher standard

1 than other citizens. I have always fundamentally
2 believed that since I took this job as an elected
3 official. After all, nobody forced us to take
4 this job.

5 Similarly with police officers,
6 because they are given the power to make arrests
7 and use deadly force when necessary, they must
8 also be held to a very high standard and
9 oversight of their conduct.

10 That's the goal of all the bills we
11 are passing today and yesterday and perhaps
12 tomorrow. The vast majority of police officers
13 and those who support them should welcome efforts
14 to root out the so-called bad apples before they
15 spoil the whole barrel, because we all need a
16 civil society that we can live in in peace, where
17 we can respect each other, where legitimate
18 protest is allowed and encouraged. I repeat,
19 encouraged.

20 We need a court system that
21 recognizes habeas corpus, which right now
22 apparently we have a few problems with as well in
23 this state and with a few judges who don't seem
24 to understand the right to arraignment and habeas
25 corpus. We all need to do better.

1 So I am very proud, despite the
2 controversy some seem to believe come with these
3 bills, I am very proud to be part of a history
4 that will reflect my support for this
5 legislation, my vote for this legislation, my
6 vote for this entire package.

7 Again, I want to thank the lead
8 sponsors for their incredible work, and I want to
9 thank Andrea Stewart-Cousins, our leader in the
10 Senate, because I'm quite sure these bills would
11 not be passing today or have ever hit the floor
12 of the Senate if we did not have a leader named
13 Andrea Stewart-Cousins.

14 Thank you, Mr. President.

15 ACTING PRESIDENT BENJAMIN:
16 Senator Krueger to be recorded in the
17 affirmative.

18 Senator Gallivan to explain his
19 vote.

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

22 Many in the chamber know my
23 background. I was a New York State trooper and
24 the sheriff of Erie County and very proud to have
25 served as a law enforcement officer and with two

1 extremely professional law enforcement agencies
2 who worked hard each and every day to ensure
3 professional and ethical law enforcement and to
4 ensure that those that crossed the line within
5 their ranks were held accountable.

6 It's my experience that the
7 overwhelming amount of police officers and police
8 agencies across the country are honest, decent
9 public servants who work hard each and every day
10 to keep our communities safe. We need to look no
11 further than the police statistics up until last
12 year -- or the crime statistics were at record
13 lows. And certainly the police officers didn't
14 do it by themselves, they did it in conjunction
15 with the community. And the best communities,
16 the best police agencies, the best likelihood of
17 success is no doubt where the police and
18 community work together and trust each other.

19 There is no honest, decent police
20 chief, there is no honest, decent police officer
21 who does not want to make sure that the bad cops
22 are held accountable. The question, of course,
23 is how best do we do that. We don't do it by
24 taking the civil rights away from individuals, in
25 this case police officers.

1 We now, by repealing 50-a of the
2 Civil Rights Law, we put New York State's law as
3 it relates to police disciplinary records on par
4 with Minnesota, which allows for full public
5 accessibility to police disciplinary records. We
6 look at what took place in Minnesota -- and I
7 don't even want to say the police officer's name.
8 He was a disgrace to everybody. It was
9 reprehensible what took place. He should be held
10 accountable, and no doubt he will.

11 We know now, because it's been
12 publicized worldwide, that that officer had, if
13 I'm not mistaken, 18 complaints of misconduct
14 against him. The Civil Rights Law -- or the lack
15 of our Civil Rights Law here or that lack of the
16 equivalent over there had nothing to do with the
17 lack of accountability of that officer. The
18 Minneapolis Police Department and its
19 administration failed everybody, city hall over
20 there failed everybody by not holding that police
21 officer accountable and allowing him to be out
22 there and those ultimate events to take place.

23 We've talked, we talked in
24 committee -- we had an hour 45 minute Codes
25 Committee that really was among the best

1 discussions that I heard in my time here.
2 Clearly there's points of disagreement amongst
3 the members here, but I think we share many
4 common goals in trying to right wrongs and ensure
5 a system is in place to ensure accountability.

6 I have a problem, though, where we
7 allow unfounded and unsubstantiated complaints to
8 be used against any individual. We hear debate,
9 we hear people often talking about the police
10 wrongly accusing a citizen of something. This is
11 no different. A wrongful accusation is a
12 wrongful accusation, and it shouldn't be allowed
13 to be used against anybody. It opens the door to
14 impugning a good police officer's reputation,
15 hurting his career, hurting his family. Even
16 more importantly, it has the potential to
17 jeopardize cases and hurt our community.

18 A wrongful accusation is wrong for
19 everybody, and allowing it I think flies in the
20 face of common justice for all. I'll be voting
21 in the negative. Thank you.

22 ACTING PRESIDENT BENJAMIN: Senator
23 Gallivan to be recorded in the negative.

24 Senator Akshar to explain his vote.

25 SENATOR AKSHAR: Mr. President,

1 thank you very much.

2 Allow me to thank once again the
3 sponsor of the legislation for the back and
4 forth. I said it earlier, Senator Bailey, I
5 respect you. We happen to disagree from time to
6 time on issues. But I take solace in the fact
7 knowing that you and I, as two grown men from
8 different parts of this great state, can have
9 reasonable discussions about issues that affect
10 all New Yorkers.

11 You know, I want to just come back
12 to something that my colleague from Queens said
13 earlier in making a statement about bad apples.
14 You know, Senator Gianaris, I hope and pray to
15 God that you don't truly believe that one bad cop
16 can spoil or has spoiled an entire profession.
17 Because, you know, there are more than 65,000
18 cops in this great state, more than 800,000 cops
19 across this great nation, and 99.5 percent of
20 them are good. Does the police department,
21 sheriff's offices, NYPD -- is there room for
22 improvement? There certainly is.

23 Today I guess is a historic day if
24 you're supporting this piece of legislation. I
25 happen to think it's a sad day for those in

1 law enforcement, in corrections, the
2 fire department, parole and probation, because I
3 think we've very clearly said that, based on the
4 language of the statute, that you no longer have
5 due process, and you no longer have your civil
6 rights purely because of the uniform that you
7 choose to wear.

8 The 15 years that I spent in
9 law enforcement were a great 15 years, and it
10 really was the best job that I've had in my
11 41 years on this earth. I would say this. I
12 think that it is incredibly important for all of
13 us to recognize, no matter where we come from,
14 that systematic racism, systematic injustices and
15 inequities, they do in fact exist. They do in
16 fact need to be addressed. But those inequities,
17 those injustices, that racism, it's not born in
18 the police department. It's not born in the NYPD
19 or a precinct or a police station. It is born in
20 communities like Binghamton, like Buffalo, like
21 Astoria, like Jackson Heights, all throughout
22 this great state, all throughout this great
23 nation.

24 I've said this many times, it is my
25 belief that we are not going to legislate our way

1 into a fairer, less unjust community. The only
2 way that we do that is by having a willingness as
3 people, as different people -- as white people,
4 brown people, black people -- to have a
5 willingness to admit that yes, those inequities
6 and those injustices exist, not one profession is
7 responsible for that, but that we must in fact
8 sit at a table and work to improve our
9 communities and do away with those injustices,
10 that racism, and those inequities.

11 You know, if we want to help the
12 police, if we want to make the police more
13 accountable and make sure they're trained
14 appropriately, let's not defund the police.
15 That's not the appropriate answer.

16 As a matter of fact, we should be in
17 fact funding programs like the crisis
18 intervention training, crisis intervention
19 funding for members of law enforcement, so maybe
20 they have the things that they need to not use
21 deadly physical force in certain situations. I'm
22 sad to report this year there is zero money for
23 that program. In 2017 we funded that program at
24 a million and a half dollars.

25 Psychological exams are not

1 mandatory when you hire a member of law
2 enforcement. Maybe we should have a discussion
3 about that. I come from an organization that was
4 accredited by the Division of Criminal Justice
5 Services. Not every organization is accredited.
6 In that program you're required to fulfill 109
7 very specific standards to make your agency the
8 best it can possibly be, follow best practices,
9 follow very important policies.

10 Maybe those are some of the
11 conversations we should have about moving
12 forward. I for one want my colleague, the
13 sponsor of this bill, and everybody else who sits
14 on the other side of the aisle to know that I am
15 fully prepared, despite what you all may think
16 because of my previous employ, to in fact sit at
17 a table and have those meaningful conversations
18 about how we move this community forward.
19 Because the facts are the facts. If the Bronx
20 does well, Binghamton does well. If Queens does
21 well, Binghamton does well. And I think that's
22 what's important for all of us.

23 Mr. President, as I said earlier,
24 I'm not going to support this bill, I'll be
25 voting no, but I in fact thank the sponsor.

1 ACTING PRESIDENT BENJAMIN:
2 Senator Akshar to be recorded in the negative.

3 Senator Sepúlveda to explain his
4 vote.

5 SENATOR SEPÚLVEDA: Thank you,
6 Mr. President, for allowing me to explain my
7 vote.

8 First of all, I want to thank
9 Senator Bailey for a very thoughtful bill. He
10 listened to many different factions throughout
11 the state. So if anybody wants to accuse him of
12 not bringing anyone into the discussion, I think
13 my colleagues, Senator Akshar and many, can tell
14 you that Senator Bailey is very thoughtful and
15 considerate on many points of view. And I want
16 to thank him for that.

17 When I was a first-year law student,
18 one of the first things that my law teacher, one
19 of the first statements that he made in my first
20 year of law school at Hofstra University was that
21 sunlight is the best disinfectant. Now, what did
22 he mean by that? He means let's have
23 transparency.

24 Transparency is what takes care of a
25 lot of these issues that we have between the

1 police and the community. And I daresay that
2 those good actors, police officers that we
3 respect -- and the notion that members on this
4 side of the aisle believe that all police
5 officers are corrupt or engage in abusive
6 behavior is just flat wrong. I think most of us
7 believe that a majority of them get up every day
8 and do their job, respect the law, put their
9 lives at risk, and do the right thing.

10 But where the problem arises for
11 those that don't do the right thing, those that
12 abuse communities of color, those that treat
13 people that I represent like third-class
14 citizens, the reality is that they have a shield.
15 And that has been a systemic problem in this
16 state for many, many years.

17 No one is taking away a police
18 officer's civil rights. I'd say to some degree
19 that is a smoke screen, with all due respect to
20 my colleagues on the other side. No one is
21 saying you cannot have a disciplinary hearing
22 within the department anymore because of some
23 inappropriate behavior or bad behavior, as they
24 call it, as a police officer.

25 Now, let me tell you something about

1 these disciplinary hearings. See, as a young
2 lawyer coming out of law school, actually my
3 first job was with a firm that represented the
4 PBA. And I participated in some of these
5 disciplinary hearings. And the best way to
6 describe them is that they're a kangaroo court.
7 Because the hearing examiner is hired by the
8 commissioner and by the department, and the
9 department can find you -- can find whether the
10 complaint was validated or not at will.

11 In fact, I remember during one of
12 these hearings that I attended having a bathroom
13 break and hearing the hearing examiner speaking
14 to the police department representative about how
15 they were going to deal and rule on an issue.

16 So this concept that a police
17 officer has a disciplinary hearing, whether that
18 should be divulged if it's unfounded or not
19 founded, again is not just not an accurate
20 measure of the policeman's behavior, of the
21 outcome of those hearings. It is really an
22 accurate measure of how the department and the
23 hearing examiner wants to find at the end of the
24 day for the police officer. And I can tell that
25 it's equally unfair to the police officer.

1 So if you want to talk about not
2 releasing unfounded disciplinary actions, then
3 let's talk about having an independent individual
4 have these hearings when police officers are
5 subjected to disciplinary proceedings. Let's not
6 have it within the department, let's have it
7 outside of the department. Let's pass bill where
8 we create a new department that will essentially
9 investigate and rule on these disciplinary
10 hearings. Make it an independent person. Then
11 that argument has some validity.

12 Look at the big picture here. When
13 you peel the onion of what the opponents of this
14 law -- and it's not a complete repeal -- what
15 they're doing, no matter how you peel this onion,
16 is they're trying to create a barrier, a shield
17 to protect bad actors. And what that does is it
18 does a disservice to those men and women in
19 law enforcement who are doing the right thing on
20 a daily basis.

21 Now, some individuals in this
22 chamber, some have said that 5 percent of -- or
23 99 percent of police officers are good actors. I
24 think that number may be somewhat high. But I
25 invite any one of you to come and walk the

1 streets of my neighborhood and see the
2 interaction between the police department and the
3 citizens. Experience what I have experienced
4 when I'm told, when I walk into a wealthier
5 neighborhood and I'm told -- me, a sitting State
6 Senator -- that I don't look like I belong in
7 that neighborhood. Or I experienced, at a
8 stoplight, police officers jumping out of a
9 vehicle asking seven or eight kids -- 15-, 16-,
10 17-year-olds -- to go up against a wall and let
11 me see your I.D. When we all know that in order
12 to request an I.D., there has to be -- someone
13 may be committing a crime or about to commit a
14 crime.

15 But these kids, six or seven 15- or
16 16-year-olds lined up against a wall and asked
17 for their I.D., asked for their addresses, asked
18 for their names -- things that are
19 unconstitutional and things that happen every
20 single day in the community that I represent.

21 So while they may be 5 percent of
22 bad actors, that 5 percent has done extreme
23 damage to the relationship between the police
24 department and our communities. They have
25 brought pain and hurt to the communities that I

1 represent. They have brought destruction to the
2 communities that I represent.

3 It is a humiliating experience, a
4 humiliating experience when an adult, a black or
5 Latino, predominantly male, is pushed up against
6 a wall, is asked to kneel down and put his hands
7 behind his back for reasons that are completely
8 unjustified. It is a humiliating experience when
9 a 12-, 13-, 14-year-old black or Latino male or
10 female is put in a police car and questioned for
11 no reason whatsoever to justify that process.
12 And what happens is that when that 14- or 15- or
13 16-year-old grows up, their experience with the
14 police department will essentially guide how they
15 deal with the police department for the rest of
16 their lives.

17 It is humiliating. It was
18 humiliating to me as an 18-year-old when I got
19 arrested because the police officer didn't like
20 the way I looked at him. Now, fortunately, I try
21 to be open and don't take the position that I
22 hate police officers because of that experience.
23 I believe that that police officer was an idiot,
24 and I believe ultimately he was removed from the
25 force. At least I hope he was. But these are

1 the experiences that black and brown men and
2 women have to deal with on a daily basis.

3 So don't tell me that it's a small
4 majority. It may be a small majority of police
5 officers that are not acting correctly, but it's
6 a huge impact in the communities of color. And
7 these sets of bills that we'll be voting on today
8 and we voted on yesterday -- and 50-a will not
9 remove any civil rights of any police officer.
10 They still have their hearings. They still have
11 procedural protections. It's not a violation of
12 any provision of the United States Constitution,
13 not a single one.

14 And it's interesting how people who
15 are now talking about due process, when it came
16 to us reforming our criminal justice system, due
17 process was an afterthought.

18 So let's be fair. Let's not be
19 hypocrites. Let's do what's right for future
20 generations. Let's do what's right so that the
21 children that I represent, my poor black and
22 brown individuals in my community, when they grow
23 up, they say, "I want to grow up to be a police
24 officer, and not "One of the things that I have
25 to make sure is that I don't get shot, that I

1 don't get abused by a police officer." That is
2 not the kind of dialogue that I want to have with
3 my son.

4 And the way to do that is by opening
5 up information. This bill does not release any
6 personal information of a police officer.
7 Personal information will be protected. What
8 this bill does is it would hold those police
9 officers accountable for bad behavior. And the
10 argument against it just doesn't hold water. The
11 argument that any criminal attorney can get all
12 these bad acts and introduce them into the record
13 is completely untenable, because even the worst
14 of judges will not allow this evidence to come
15 into a case if it's not germane to a particular
16 issue.

17 You know, this is not a proceeding,
18 now there won't be proceedings where anything
19 that a police officer does will now be brought
20 into a trial. That is just not the way our trial
21 systems work.

22 So let's do what's right. Let us
23 vote today in a way so that future generations
24 will look up to the police, and my community and
25 my children and the children in my district will

1 all one day want to become police officers.

2 I vote in the affirmative.

3 ACTING PRESIDENT BENJAMIN: Senator
4 Sepúlveda to be recorded in the affirmative.

5 Senator Liu to explain his vote.

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

8 Finally, finally we are repealing
9 Section 50-a. I want to thank Senator Bailey for
10 his incredible leadership in making this happen.

11 And this repeal is necessary. It's
12 necessary to bring justice for the families of so
13 many New Yorkers who have had their lives taken
14 at the hands of police officers. But it is also
15 important beyond that kind of accountability to
16 remove this shield that has allowed impunity on
17 the part of not all police officers, but some
18 police officers, to think that their behavior is
19 not something that they would be held accountable
20 for, ever. It is important that we repeal 50-a.

21 I'm so proud to have marched
22 alongside my constituents in Bayside, Queens,
23 Whitestone, College Point, Douglaston,
24 Little Neck, so many of the neighborhoods that I
25 proudly represent -- receiving thousands and

1 thousands of emails, telephone calls, messages
2 from people demanding that this unjust section of
3 New York State law is repealed once and for all.

4 And as I marched alongside them and
5 had discussions with them, it was "Black Lives
6 Matter." Now, I'm not black, but to me and so
7 many of my constituents, (raising voice) Black
8 Lives Matter. Black Lives Matter. But even when
9 we're walking the streets or having conversations
10 on Zoom, there are some people who scream out car
11 windows as they're passing by: "All lives
12 matter." Or sometimes they whisper it: "But all
13 lives matter."

14 And I have to constantly remind
15 people, and I will remind some of my constituents
16 right now, that it's important to think about why
17 you're saying "all lives matter." People say
18 every person that I have heard say "all lives
19 matter" has appeared to me as if they have
20 bristled at hearing the phrase "Black Lives
21 Matter." They don't like hearing that, so they
22 say "all lives matter."

23 Well, why do we say "Black Lives
24 Matter"? Because it's always a black life, it's
25 always a black life that gets taken by law

1 enforcement, by cops who not only not uphold
2 their responsibility, but they are breaking the
3 law themselves. They need to be held accountable
4 for that. It's always a black life -- unarmed,
5 subdued already, and their life is still taken.
6 That's why we say "Black Lives Matter."

7 You all know about our colleagues
8 Assemblymember Diana Richardson and Senator
9 Zellnor Myrie. They weren't even out protesting.
10 They were out among protesters to try to ensure
11 peace and to prevent any kind of
12 misunderstandings or confrontations that might
13 take place in the heat of the moment. And yet
14 they, along with a group of other protestors
15 where nothing violent was going on, nothing
16 untoward was going on, they were seized by police
17 officers and pepper-sprayed to the point of
18 blindness and pain for hours, and corralled into
19 a police van until the two of them were
20 recognized by a police chief. At which point the
21 police chief instructed the officers to let the
22 two of them go.

23 Senator Myrie doesn't talk about
24 that, about himself. He talks about the dozens
25 of other people who were cuffed and maced -- or

1 not maced, but pepper-sprayed at the same time he
2 was. But they didn't get recognized as being a
3 Senator or Assemblymember. They stayed in the
4 truck. They were probably processed, and if not
5 for the moment that we're in now, and what some
6 of the statements of the district attorneys have
7 suggested, they probably would have been
8 processed with some kind of record that would
9 stay with them for potentially the rest of their
10 lives, disabling them from getting a job or
11 housing or other opportunities that you and I
12 take for granted.

13 And why were Senator Myrie and
14 Assemblymember Richardson taken along with that
15 entire group? Why Senator Zellnor Myrie -- if
16 you know him, the last person who would ever be
17 singled out by police officers. If you know his
18 history, his temperament, his intelligence,
19 nobody would ever take him out. But Senator
20 Myrie is guilty of something. He's guilty of an
21 American crime, and that American crime is being
22 born black. That's why he was treated the way he
23 was before he was recognized by a police chief.

24 So we need to really reckon with
25 ourselves and understand why it is the phrase

1 "Black Lives Matter" has been chanted millions of
2 times over the last couple of weeks. And indeed
3 it hasn't been people of color out there
4 protesting, marching in the streets. Some people
5 say, Oh, it's been a pretty diverse crowd. Come
6 on. What you mean is it's been a lot of white
7 people. In fact, at all the marches that I've
8 been in, and I've been to a lot of them, it
9 appears the majority of marchers are white.

10 And so, you know, look, I'm not a
11 sociologist, I'm not a psychoanalyst, but I know
12 this is a point, a time in history, a moment in
13 history where we have to take advantage of this
14 to make serious changes, serious changes
15 recognizing that repealing 50-a and the several
16 other bills that we are passing this week are
17 just the tip of the iceberg. Because it is not
18 about just assuring and demanding accountability
19 on the part of individual officers. There are
20 some people who just should never have been cops.
21 But I will say the vast majority of officers are
22 in it for the right reasons and do the right
23 thing.

24 But it is not just about individual
25 accountability. We have to step back and take a

1 look at the system that has evolved over time.
2 Why is it that the homeless and people who are in
3 need of social services have huge interactions
4 with the police department? Why is it that in
5 New York City it's members of the NYPD who are
6 patrolling the hallways? Not just high schools,
7 but middle schools and elementary schools.
8 Pre-Ks.

9 We need to understand, acknowledge
10 that too much of our society has become a police
11 state. We need to reprioritize. It's not just
12 about shifting some dollars from the NYPD to
13 community organizations and programs. We need to
14 make a wholesale evaluation of where our values
15 really lie, get back to the origins of the police
16 department -- not just the funding, but the
17 constitution themselves of the police
18 departments. This is a moment in time when we
19 have to reevaluate all of those.

20 Yes, restore individual
21 accountability by repealing 50-a and enacting the
22 other measures before us this week. But we need
23 to take a much deeper dive into what our society
24 is all about. At the end of the day it should
25 not be a situation where you have numerous

1 encounters with the police department or
2 law enforcement. In fact, one should be able to
3 live a life without ever having any encounter
4 with law enforcement or the police department.

5 Thank you, Mr. President.

6 ACTING PRESIDENT BENJAMIN: Senator
7 Liu to be recorded in the affirmative.

8 Senator Jackson to explain his vote.

9 SENATOR JACKSON: Thank you,
10 Mr. President and my colleagues.

11 I rise today to speak in favor of
12 Section 50-a. I have prepared testimony, and I
13 made some additional notes. But first I would
14 like to thank the Majority Leader, Andrea
15 Stewart-Cousins, for her leadership during these
16 tough times that we all are going through.

17 It's important to know -- and I've
18 mentioned this before -- in the history of New
19 York State we have the first woman to ever be
20 elected the Majority Leader of the New York State
21 Senate. That's history. In addition, she
22 happens to be the first woman of color in the
23 history of the State of New York in order to
24 serve as the Majority Leader.

25 I turn to my colleague Jamaal

1 Bailey. And let me thank you for your leadership
2 on this particular bill. You know I have called
3 you specifically about this and the discussions
4 that we had about it. Thank you for your
5 leadership. This bill is clearly passing today.

6 So here we are in the New York State
7 Senate chambers right around the same time, when
8 this hearing started, where George Floyd is being
9 buried and his funeral is in Houston, Texas.

10 I'm going to throw out some names,
11 to mention some names to all of you. You may
12 recognize some; you may not for others. Akai
13 Gurley. Allan Feliz. Amadou Diallo. Anthony
14 Baez. Antonio Williams. Carlos Lopez, Jr.
15 Clifford Glover. Delrawn Small. Eric Garner.
16 Jayson Tirado. Kadeem Torres. Kawaski Trawick.
17 Kimani Gray. Mohamed Bah. Noel Polanco.
18 Ramarley Graham. Shaheed Vassell. Sean Bell.
19 Shantel Davis.

20 These are the names of some of the
21 black and brown people killed at the hands of
22 police in New York City -- names that have come
23 rushing back to us after the killing of
24 Breonna Taylor and George Floyd. These police
25 killings have awakened us once more in New York

1 City and around the world. And as you know,
2 New York City is the epicenter of the COVID-19
3 pandemic. A huge swath of our community -- black
4 people, brown people, Asian people, white
5 people -- have come together to demand change to
6 our racist system. And in fact, John Liu
7 discussed it, we mentioned it earlier: Many of
8 those individuals that are rallying with signs
9 that say "Black Lives Matter" and many other
10 things that the signs are saying, are young white
11 individuals. They care about their brothers and
12 sisters of the human race.

13 So Jumaane Williams, the Public
14 Advocate of the City of New York, Corey Johnson,
15 the Speaker of the City Council of New York,
16 Scott Stringer, the City Comptroller of the City
17 of New York -- three out of the four highest
18 elected officials in the City of New York -- we
19 took a knee at 43rd Street and Times Square for
20 8 minutes and 47 seconds, the same amount of time
21 that we watched on video George Floyd being
22 killed.

23 And let me tell you, if you've never
24 taken a knee for 8 minutes and 47 seconds, it's a
25 long time. Just like when people say, oh --

1 because I've run a New York City marathon --
2 that's 26 miles. And I say no, no, no, 26.2.
3 Don't forget that .2, especially when you run 26.

4 But also Luis Sepúlveda talked about
5 stop, question and frisk with respect to his
6 testimony here today. I cochaired the New York
7 City Council's Black, Latino and Asian Caucus for
8 eight years. We filed an amicus brief in the
9 lawsuits. And I say to you that this was a major
10 issue in New York City, people being stopped and
11 thrown up against the wall and being mistreated
12 and abused. It was a major issue, and we won on
13 behalf of all of the people. And people said,
14 oh, crime is going to go up. Well, crime didn't
15 go up. Crime went down. Different perceptions.

16 So we're not going to legislate our
17 way out of systemic racism. The legislation
18 we're passing right now is about addressing one
19 of the many symptoms of that racism, in my
20 opinion, police brutality. We have an obligation
21 that the laws we pass look out for the people of
22 our state and bring respect and dignity to
23 everyone, and that's what we're doing.

24 The bills we're voting on today,
25 especially repealing 50-a, should have been done

1 a long time ago under previous leadership in the
2 New York State Senate. We have heard loud and
3 clear from our communities that these bills must
4 be passed. And like my colleagues, we've
5 received hundreds of phone calls, emails and
6 texts about this particular matter.

7 The Black, Puerto Rican, Hispanic
8 and Asian Caucus of the New York State
9 Legislature, 63 members strong, held a virtual
10 press conference last week around the entire
11 state, from Long Island to Buffalo, to Harlem, to
12 Albany, Rochester, Buffalo. And its saying was:
13 Enough is enough, black lives matter, repeal
14 50-a.

15 This past Sunday my office put
16 together a march and rally where we wound up at
17 the Riverbank State Park. About 2500
18 constituents marched with us to demand an end to
19 police brutality and to say loudly the need for
20 police transparency and accountability.

21 For all those families who have lost
22 loved ones to police brutality, for our black and
23 brown communities across New York State and
24 across the country, for my constituents in the
25 31st Senatorial District who demand change, for

1 myself as a black man and for my black grandsons,
2 Esa and Imira in Virginia, I'm proud to vote yes
3 on this bill today.

4 And I say to all of my colleagues:
5 As-salamu alaykum. You may say, what does that
6 mean? Peace go with everyone.

7 Thank you, Mr. President.

8 ACTING PRESIDENT BENJAMIN: Senator
9 Jackson to be recorded in the affirmative.

10 Senator Montgomery to explain her
11 vote.

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

14 This certainly is a very, very
15 special and historical moment for me because, for
16 once, I'm going to be very happy and excited to
17 cast my vote yes to all of the criminal justice
18 bills that we have had before us and that we have
19 before us at this moment, including 50-a.

20 As you know and everyone knows me
21 for, voting no on every bill practically that
22 came before us that did anything to extend or
23 increase the sentencing or the time that anyone
24 spends in prison or increases the number of
25 crimes that we consider or the number of actions,

1 activities that we consider to be crimes,
2 increasing the penalties, and on and on.

3 And why was I consistently voting
4 no? Because I understood that those bills,
5 however well-intentioned, to whatever extent we
6 thought we were helping people, we were actually
7 casting a net to include more and more people in
8 the criminal justice system, which already was
9 totally unfair and would capture more and more,
10 especially young people of color. So I have
11 historically voted no.

12 But today and this week and these
13 last few weeks, I must say I am especially
14 pleased that we have -- this is a new time for
15 us. We have a new Majority Leader. I am so
16 grateful for her leadership. We have a staff
17 that has worked with us to help fashion the
18 legislation that we have been able to pass. I
19 have my colleagues. I have enjoyed and
20 appreciated the debate. I was just so thrilled
21 with Senator Bailey debating Akshar. I thought
22 he was wonderful. Thank you, Senator.

23 And let me just say to the people of
24 America, thank you for bringing us to this point
25 and saying in no uncertain terms that none of us

1 can breathe if a few of us can't breathe.

2 And I will say lastly that I've been
3 to court with young people, I've been to school
4 with young people. I have witnessed such pain
5 and anguish in parents whose children were caught
6 up in the system, either killed or even if they
7 were just in the system sometimes, parents lose
8 their children and can't find them when they've
9 been arrested. So it's a very painful thing to
10 live with.

11 And the last conversation that I had
12 with my son, who is now an avid cyclist -- even
13 though he's a young adult, he's my baby. And I
14 said to him, "Be careful about the neighborhoods
15 that you ride your bicycle in, because you're in
16 danger if you go into the wrong neighborhood."

17 So I feel this as a mother, I feel
18 this as a legislator, and I feel this as a person
19 in America who has lived with a system where
20 every day you're in fear that your brother, your
21 son, your husband is going to not come home.

22 So thank you, Mr. President. I vote
23 aye.

24 ACTING PRESIDENT BENJAMIN:
25 Senator Montgomery to be recorded in the

1 affirmative.

2 Senator Myrie to explain his vote.

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

5 And before I start, let me just note
6 that today is my mom's birthday. And so, Mommy,
7 happy birthday. I love you. Sorry that I cannot
8 be with you in person, and I hope that you
9 understand why I have to be here today.

10 Mr. President, we have heard from
11 some folks that our grievances against police
12 brutality and our attempts to rid it out of our
13 police departments are us taking advantage of a
14 political moment. Some people have said that it
15 isn't a real grievance, that this is not
16 happening here in New York. You are taking
17 advantage of what's happening around the country,
18 and you're only doing it now.

19 So if I may direct our collective
20 attention to the year 1942 -- that's 44 years
21 before I was born -- where Palmer Anderson, an
22 unarmed black man, was killed by the New York
23 Police Department. In 1946, four years later,
24 Charles Ferguson, killed at the hands of law
25 enforcement in Freeport, New York.

1 The very next year, in 1947, an
2 unarmed black small-business owner assaulted
3 within inches of his life by law enforcement. No
4 serious consequences for the officers involved.

5 In 1950, Jeff Harrod shot in the
6 chest, directly in the heart, at the hands of
7 law enforcement. No serious consequences for
8 those police officers.

9 In 1952, a young man by the name of
10 Jacob Jackson, beaten nearly to death by the
11 New York Police Department. No serious
12 consequences for those police officers.

13 We skip ahead to 1964. We're still
14 22 years before I was born. A teenager, 15 years
15 old, Jimmy Mitchell, killed at the hands of the
16 New York Police Department. No serious
17 consequences for those law enforcement officers.

18 In fact, there was unrest in the city after Jimmy
19 was killed, much like what we are seeing today.
20 People took to the streets. And even those who
21 were peacefully protesting were met with the same
22 brutality. In 1964, Thessalonica, shot in the
23 back while walking away from the New York Police
24 Department. In 1964, Barbara Baxter, while
25 peacefully protesting, shot in the thigh.

1 We fast forward 20 years; we're now
2 in 1984, two years before I was born. A young
3 black man, Michael Stewart, killed at the hands
4 of law enforcement. That same year, a senior
5 citizen -- while she was being evicted -- Eleanor
6 Bumpurs, killed at the hands of the New York
7 Police Department.

8 In 1994 -- I'm eight years old
9 now -- Anthony Baez threw a football, hit the
10 wrong police car, he is choked to death at the
11 hands of the New York Police Department.

12 The next year, 1995, Anthony Rosario
13 and Hilton Vega shot to death by the New York
14 Police Department. Unarmed.

15 In 1997, Kevin Acevedo, shot in the
16 back while running away from the New York Police
17 Department. He was unarmed, and he was killed.

18 The rest of my teenage years and
19 into my adulthood, I saw unarmed person being
20 brutalized after unarmed person being brutalized:
21 Abner Louima, Amadou Diallo, Trayvon Martin,
22 Breonna Taylor, Sandra Bland, Eric Garner,
23 George Floyd.

24 So 11 days ago, when I put on a neon
25 green T-shirt with my name and title on the back,

1 I walked to Barclays Center not just as a State
2 Senator, but as a black man who has grown up in
3 this country and has seen brutality have no
4 consequence for my people. And what I was met
5 with was not open arms. Instead, I was pushed, I
6 was shoved, I was hit in the back, pepper-sprayed
7 and handcuffed.

8 So you're right, this is the moment.
9 We are tired. There has been no consequence for
10 the brutality against our people. And to this
11 day I don't know if the officer that sprayed me
12 and my colleague in the Assembly has a history of
13 excessive use of force.

14 That is what this bill is about. It
15 is about the history. We have seen brutality go
16 unanswered. This isn't an attack; this is
17 accountability. This isn't targeting; this is
18 transparency. This isn't anti-police; this is
19 pro-people.

20 Listen to the New Yorkers who have
21 taken to the streets. Listen to what they are
22 saying. My life matters. Black lives matter.
23 Repealing 50-a and the other reforms that this
24 majority will pass hopefully will send the
25 message that we mean that when we say it.

1 Senator Bailey, this isn't just a
2 story of tragedy, but one of triumph. Because
3 while brutality is in the soil and DNA of our
4 country, so is hope. And only in this country
5 can a black boy from the Bronx grow up to chair
6 the Codes Committee and pass what we are passing
7 today. Only in this country can I be
8 pepper-sprayed on a Friday and be the policymaker
9 on a Tuesday. It isn't just a tragedy, it is a
10 triumph.

11 So what we do today is of course
12 historic. But I'm voting aye not because it's
13 historic, I'm voting aye for all of the families
14 who have lost their loved ones to police
15 brutality. I am voting aye for the thousands of
16 New Yorkers that have taken to the streets and
17 have said enough is enough. I am voting aye
18 because it is the right thing to do.

19 Senator Bailey, thank you for your
20 leadership. Madam Leader, thank you for your
21 leadership. And to my colleagues, thank you for
22 your support.

23 I'll be voting in the affirmative,
24 Mr. President.

25 ACTING PRESIDENT BENJAMIN: Senator

1 Myrie to be recorded in the affirmative.

2 Senator Bailey to explain his vote.

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

5 It's been quite a day. It's been
6 quite a couple of weeks. It's been quite a
7 37 years for me as a black man on this planet.

8 I'm going to correct something for
9 the record. Senator Borrello mentioned that
10 there wasn't discussion. We held hearings -- and
11 I think Senator Akshar spoke to that, and I think
12 Senator Gallivan spoke to that as well. Senator
13 Flanagan reached out. Senator Lanza reached out.
14 We had discussion about these things. And just
15 because we don't agree on the subject matter
16 doesn't mean that the conversations don't happen.
17 Let's be very clear about that.

18 And we talk about the vast majority
19 of people, the vast majority of officers are
20 inherently good. Without a doubt. The vast
21 majority of people are inherently good, but we
22 still have a penal code, Mr. President. That is
23 in the event that people commit bad acts against
24 one another.

25 I'll redirect to my original

1 comments. And I want to thank Senator Akshar for
2 a spirited debate and thoughtful conversation,
3 despite differing on the subject matter of what
4 we discussed today.

5 I want to thank Leader Andrea
6 Stewart-Cousins for not just being a trailblazer,
7 but being someone who listens. Allowing me to be
8 the chair of the Codes Committee. Your
9 leadership in such a tumultuous time, Madam
10 Leader, is greatly appreciated.

11 My brother Senator Myrie was
12 pepper-sprayed on a Friday, and you called me on
13 Saturday morning. The Book of Matthew says: Ask
14 and you shall receive. Seek and you will find.
15 That's Verses 7 and 8. I asked, we received, and
16 now we're going to find justice in this state.

17 I want to thank Shontell Smith
18 because one day Shontell called me when I was on
19 Gun Hill Road -- I'll never forget where I was, I
20 was about to get a haircut, when barbers were
21 open -- and she said that "Because Senator
22 Squadron is leaving, you should be the ranking
23 member on the Codes Committee."

24 And I bristled for many reasons, one
25 of them being what Senator Montgomery mentioned,

1 that in the last couple of years it was
2 penalty-enhancers day by day. And I don't
3 subscribe to that theory of legislating, and it
4 was tough. But Shontell said: "Stick in there.
5 Because if we get the majority, you could become
6 the chair of the Codes Committee, and you'd be
7 quite a good one."

8 So I want to thank myself for
9 listening to Shontell, and I want to thank
10 Shontell for talking me into this.

11 Senator Montgomery. We mentioned it
12 earlier in session, Velmanetting. Every person,
13 not just person of color, owes you a debt of
14 gratitude for your fearlessness and leadership.
15 To Nadia and Ken and Chris, Dorothy and Noel, for
16 your incredible work and preparation, I thank
17 you.

18 Thank you to Assemblymember Danny
19 O'Donnell for championing this bill and allowing
20 me to carry it in this house.

21 And to my mentor, my brother,
22 Assembly Speaker Carl Heastie, for always
23 standing up for what's right, staking your
24 speakership to the reformation of a broken
25 system.

1 And to the caucus. Senator Jackson
2 mentioned it, it bears repeating, that we held a
3 series of press conferences throughout the state
4 last week to stand in solidarity and indicate
5 that we just want the right change.

6 There is a sense of frustration in
7 the air that many of us have, especially those of
8 us who are people of color, specifically black
9 people. George Floyd said he couldn't breathe.
10 They didn't listen. This goes beyond Mr. Floyd.
11 It goes to the devaluation of lives of black men
12 that wears on us like the current does on the
13 coast, day by day.

14 That knee on Mr. Floyd's neck was a
15 wake-up call for America. And while that murder
16 didn't happen in New York, the actions of police
17 in that case and many cases before that have led
18 to a renewed call by the public for what many
19 legislators like myself and many folks in the
20 community have been saying for quite some time:
21 We need policing reform. That doesn't mean that
22 we're anti-police. I just want to make sure we
23 specifically delineate that and make that clear
24 for the record. It just means that we needed to
25 change a few things but people weren't listening

1 before, Mr. President.

2 This is about transparency, not a
3 desire to remove tools from officers for
4 policing, which is an incredibly difficult job.
5 It's frustrating to have to couch our language
6 like that all the time. It should be understood
7 that we understand and respect police. But every
8 time, time and again, it seems like we have to
9 say it. So I'll say it again. We respect the
10 police. But we need to be respected by the
11 police.

12 I want to trust the police. I want
13 my kids to trust the police. And Senator
14 Gianaris brought it up that, you know, bad apples
15 spoiling a bunch. But I'll take it a step
16 further than that. If I'm going to the
17 supermarket and I see a bad apple time after time
18 after time -- forget about spoiling that bunch,
19 I'm not buying apples anymore.

20 That's the public trust argument.
21 That's what we're getting to the heart of,
22 Mr. President. So that people can trust those
23 who police them. Dylann Roof gets Burger King,
24 but George Floyd gets death? Armed protestors at
25 the Capitol get nothing, but Amadou Diallo, with

1 a wallet in his hand, gets 41?

2 Now, I remember in law school we
3 spoke about a case, The People v. Du, which spoke
4 about the killing of young Latasha Harlins in
5 Los Angeles for allegedly attempting to steal a
6 bottle of orange juice. She was going to pay,
7 Mr. President, but that didn't come out until the
8 facts and until the videotape and the witnesses
9 clearly said that this was a clear homicide.

10 Voluntary manslaughter, maximum
11 prison sentence of 16 years. But the judge in
12 that case? Four hundred hours of community
13 service, five years of probation and a \$500 fine.
14 No jail time.

15 Now, I remember being in law school
16 thinking about the holding or the main idea of
17 this case, and they're talking about sentencing.
18 And I'm sitting there like, hold on. You're
19 talking about sentencing and we're talking about
20 the devaluation of black life in America.

21 Now, Latasha Harlins was mentioned
22 by Tupac Shakur in many songs, but I'll reference
23 his song I Wonder If Heaven Got a Ghetto. "Here
24 on earth, tell me what's a black life worth? A
25 bottle of juice is no excuse, the truth hurts."

1 It hurts when you feel devalued,
2 Mr. President. It's felt like that for a long
3 time with interactions between black people and
4 the police. Now, every time when I left the
5 house when I was younger, no matter how jovial
6 the conversation prior with my dad, he would turn
7 immediately serious and he said, "Be safe."
8 Maybe because I wasn't a parent, maybe because I
9 just didn't understand what the world was like,
10 but that "be safe" was more than just don't trip
11 outside, it was a reminder that as a black man in
12 America you may be facing targets from multiple
13 places. It's the talk that our fathers had with
14 us as black men.

15 Now, I don't think you can imagine
16 the frustration, the confusion that I had to feel
17 as a parent, elected official, and as a black man
18 when my daughter asked me: "Dad, why is that
19 police officer hurting that man? I thought
20 police officers protected people."

21 And I explained, you know, "Police
22 officers do. That was a bad incident." My
23 daughter is only five, so she doesn't know the
24 series of bad incidents that have happened to us.
25 Therein lies the frustration.

1 Many of us had have a feeling of
2 that could be me. What you learn as a black man
3 in America is that nothing insulates you from
4 this. They say: Stay out of trouble. Go to law
5 school. Be a state senator. Be polite. Mind
6 your manners. Identify yourself. But that
7 doesn't matter. That's the frustration.

8 So I can tell you about being
9 12 years old and being asked, "Why were you
10 loitering at a bus stop?" I want you think about
11 that, loitering at a bus stop, Mr. President.
12 When you come back from the orthodontist and you
13 have your braces tightened and you're thrown in a
14 police van because you fit the description, when
15 you're pulled over for -- or you're told that
16 you're being pulled over for driving an expensive
17 car when you're driving a 1984 GMC Jimmy, or when
18 weapons are drawn on you by an officer who
19 identifies themselves after the fact, and you've
20 never been arrested.

21 We spoke about unsubstantiated and
22 substantiated. I'll talk to you again about
23 unreported. When things happen to you,
24 Mr. President, and you don't feel enough faith
25 and confidence in the system, you're not going to

1 report them because you feel like it won't do a
2 thing.

3 So thank God for video. Ahmaud
4 Arbery and George Floyd. In both cases, again,
5 it could have very easily been us. Success
6 doesn't matter. NBA guard Sterling Brown, in
7 Milwaukee -- a gun pulled on him, he was tased
8 and electrocuted. Thabo Sefolosha, another NBA
9 player -- hit with a baton, thrown on the floor,
10 and eventually broke the lower part of his leg
11 and missed a part of the season, eventually
12 settled with the NYPD. James Blake, world-famous
13 tennis player, standing in front of his hotel,
14 waiting to go to the U.S. Open, and he was
15 tackled by an officer, despite cooperating.

16 Now, Audre Lorde said your silence
17 won't protect you -- and your success doesn't
18 either. Now you understand why Colin Kaepernick
19 took a knee to silently protest injustice. And
20 now when we protest silently, it seems to try to
21 be used against us. So to Colin, I understand.
22 I'm even wearing your sneakers today, Colin.

23 There's beauty in the struggle,
24 ugliness in the success. NFL apologized when
25 they said that black lives matter, but let's make

1 sure that they matter even more and get Brother
2 Colin back on the field if that's what he wants.

3 As we lay Mr. George Floyd to rest
4 today, we have to ask who stood up strong in the
5 face of such adversity and never wavered. The
6 reality that George Floyd said -- yes, he said he
7 couldn't breathe, but his last words? He called
8 out for his mother. Now, for gravity's sake, I
9 want you to realize that Mr. Floyd's mother had
10 predeceased him. Mr. Floyd's mother was not
11 alive at the time when he was fighting for his
12 life. But even taking his last breath, he sought
13 comfort from his mom.

14 So to the mothers of the movement
15 and their family members who pleaded with us as a
16 Legislature -- press conferences, marches calls,
17 everything under the sun -- if my daughters
18 scrape their knees, I'm apoplectic, I run for the
19 neosporin. I could not imagine having my
20 children killed and being that strong. So to
21 Gwen Carr and Valerie Bell, Constance Malcolm and
22 more, I'm in debt to you for permitting me the
23 opportunity to learn from you and learn your
24 strength and resolve.

25 To Constance Malcolm, a constituent

1 of my mine, that Saturday morning at Community
2 Board 12 after your son was taken from us far too
3 early, your strength and resolve was something
4 that I studied back then and it's something I
5 appreciate now.

6 There are countless names that we
7 read off, almost like a Who's Who of souls lost
8 well before their time. Eric Garner. Sean Bell.
9 Ramarley Graham. Sandra Bland. Breonna Taylor,
10 who was an EMT on the front lines fighting for us
11 with COVID-19, even she wasn't immune to this.
12 Tamir Rice. Philando Castile. Walter Scott.
13 Alton Sterling. Terence Crutcher. Michael
14 Brown. Danroy Henry. Andrew Kearsse. Freddie
15 Gray. Amadou Diallo. Anthony Baez. Eleanor
16 Bumpurs. Delrawn Small. Oscar Grant. Laquan
17 McDonald. Botham Jean. Tony McDade. And so
18 many more.

19 Now the silver lining on this
20 incredibly dark cloud is that the sun is finally
21 starting to shine on injustice. It's starting to
22 make people question what has been said for so
23 long, and maybe it was the perfect storm of Amy
24 Cooper plus quarantine plus George Floyd. Maybe
25 it's the unmistakable -- in my opinion,

1 undisputable -- video evidence that we saw a live
2 murder on TV, but it's done something to the
3 consciences of America. It's created more of a
4 willingness to listen, to share and to care.

5 Emotional conversations have
6 happened in living rooms, dining rooms,
7 boardrooms, and Zooms throughout the country.
8 That includes our conference. Many conversations
9 fraught with raw emotion and pain, the pain of a
10 wound that not only never heals, but it's a wound
11 that you couldn't even seek treatment for,
12 Mr. President.

13 So to my colleagues, many of you who
14 are standing in positions that may be
15 uncomfortable, I appreciate your vote on this
16 important, critical and personal issue. I thank
17 you for listening to me and other colleagues who
18 impressed upon you the importance of this. More
19 importantly, I thank you for your willingness to
20 send a strong message that black lives do matter.

21 And to Senator Myrie, the courage
22 that he's shown while wearing a shirt with his
23 name on it, to be pepper-sprayed while peacefully
24 demonstrating, and to have the strength and
25 resolve to not only continue to advocate but

1 advocate even stronger, I salute you. The
2 reality is that right before he went to go
3 protest, he sent me a text message saying "Looks
4 like things might be going awry. I'm going to go
5 over there and see if I can help folks out."
6 Help.

7 There's a lot of gravity that comes
8 with this position, Mr. President, and all of us
9 feel the heavy weight. But I don't know if there
10 could be a more meaningful piece of legislation
11 to me and this body, because it's way more than
12 just policy. It is a time not only to correct
13 what we thought and knew to be a flaw in the
14 state law, but to correct misconceptions that
15 many of us have carried for too long for things
16 that we can never experience.

17 To the advocates who pushed and
18 prodded for this day, protesters, and anyone that
19 ever lifted a finger to text, tweet, or exercise
20 your First Amendment rights, I thank you. Anyone
21 who ever used their voice to uplift the
22 downtrodden, to listen to someone who felt
23 silenced, I appreciate you. I encourage you not
24 only to speak up today but all the days
25 thereafter, because the greatest thing about

1 democracy is dissent.

2 As I close, I'm not sure of a
3 prouder moment, again, that I could have as a
4 member of this body. George Floyd is being laid
5 to rest today. And his daughter Gianna said that
6 "Daddy changed the world." Now, Gianna, you may
7 not know me, but you're right. George Floyd
8 changed the world. He changed this state.

9 So to George, happy Father's Day in
10 heaven in a couple of weeks, Brother Floyd.
11 Thank you for stirring the soul and consciousness
12 of America. Black Lives Matter.

13 I vote aye, Mr. President.

14 ACTING PRESIDENT BENJAMIN:
15 Senator Bailey to be recorded in the affirmative.

16 Announce the results.

17 THE SECRETARY: In relation to
18 Calendar Number 751, those Senators voting in the
19 negative are Senators Akshar, Amedore, Borrello,
20 Boyle, Flanagan, Funke, Gallivan, Griffio,
21 Helming, Jacobs, Jordan, Lanza, LaValle, Little,
22 O'Mara, Ortt, Ranzenhofer, Ritchie, Robach,
23 Serino, Seward and Tedisco.

24 Ayes, 40. Nays, 22.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 Senator Gianaris, that completes the
3 reading of the controversial calendar.

4 SENATOR GIANARIS: Mr. President,
5 can we now return to the reading of the
6 noncontroversial calendar, please.

7 ACTING PRESIDENT BENJAMIN: The
8 Secretary will read.

9 THE SECRETARY: Calendar Number
10 441, Senate Print 4670, by Senator Kaplan, an act
11 in relation to authorizing the assessor of the
12 County of Nassau to accept, from Lubavitch of
13 Old Westbury, an application for exemption from
14 real property taxes.

15 ACTING PRESIDENT BENJAMIN: Read
16 the last section.

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

19 ACTING PRESIDENT BENJAMIN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BENJAMIN:
23 Announce the results.

24 THE SECRETARY: In relation to
25 Calendar 441, those Senators voting in the

1 negative are Senators Akshar and O'Mara.

2 Ayes, 60. Nays, 2.

3 ACTING PRESIDENT BENJAMIN: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 457, Senate Print 6873, by Senator Ritchie, an
7 act to authorize the Towns of Lorraine and Worth
8 in Jefferson County to elect a single town
9 justice to preside in the town courts of such
10 towns.

11 ACTING PRESIDENT BENJAMIN: Read
12 the last section.

13 THE SECRETARY: Section 2. 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, 62.

21 ACTING PRESIDENT BENJAMIN: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 531, Senate Print 6383A, by Senator Benjamin, an
25 act to amend the Alcoholic Beverage Control Law.

1 ACTING PRESIDENT BENJAMIN: Read
2 the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:
9 Announce the results.

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 556, Senate Print 6715, by Senator Little. An
15 act to amend the Executive Law.

16 ACTING PRESIDENT BENJAMIN: Read
17 the last section.

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

20 ACTING PRESIDENT BENJAMIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BENJAMIN:
24 Announce the results.

25 THE SECRETARY: Ayes, 62.

1 ACTING PRESIDENT BENJAMIN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 576, Senate Print 7846, by Senator Harckham, an
5 act to amend the Labor Law and the Public Service
6 Law.

7 ACTING PRESIDENT BENJAMIN: Read
8 the last section.

9 THE SECRETARY: Section 4. This
10 act shall take effect on the 90th 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:
16 Announce the results.

17 THE SECRETARY: Ayes, 62.

18 ACTING PRESIDENT BENJAMIN: The
19 bill is passed.

20 THE SECRETARY: Calendar Number
21 674, Senate Print 59, by Senator Robach, an act
22 to amend the Highway Law.

23 ACTING PRESIDENT BENJAMIN: Read
24 the last section.

25 THE SECRETARY: Section 3. 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: Ayes, 62.

8 ACTING PRESIDENT BENJAMIN: The
9 bill is passed.

10 THE SECRETARY: Calendar Number
11 680, Senate Print 3856, by Senator Lanza, an act
12 to amend the State Law, the Highway Law and the
13 Administrative Code of the City of New York.

14 ACTING PRESIDENT BENJAMIN: Read
15 the last section.

16 THE SECRETARY: Section 9. 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:
22 Announce the results.

23 THE SECRETARY: Ayes, 62.

24 ACTING PRESIDENT BENJAMIN: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 681, Senate Print 3860, by Senator Lanza, an act
3 to amend the Vehicle and Traffic Law.

4 ACTING PRESIDENT BENJAMIN: Read
5 the last section.

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

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:
12 Announce the results.

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 682, Senate Print 4334B, by Senator Metzger, an
18 act to amend the Highway Law.

19 ACTING PRESIDENT BENJAMIN: Read
20 the last section.

21 THE SECRETARY: Section 3. This
22 act shall take effect on the 30th day after it
23 shall have become a law.

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: Ayes, 62.

5 ACTING PRESIDENT BENJAMIN: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 683, Senate Print 4701A, by Senator Brooks, an
9 act in relation to permitting Roosevelt Fire
10 District to file an application for a retroactive
11 real property tax exemption.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

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

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:

20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar 683, those Senators voting in the
23 negative are Senators Akshar and O'Mara.

24 Ayes, 60. Nays, 2.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 684, Assembly Print Number 7493, substituted
4 earlier by Assemblymember Thiele, an act in
5 relation to the designation of the East Hampton
6 Volunteer Ocean Rescue and Auxiliary Squad.

7 ACTING PRESIDENT BENJAMIN: Read
8 the last section.

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

11 ACTING PRESIDENT BENJAMIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BENJAMIN:
15 Announce the results.

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 685, Assembly Print Number 7011B, substituted
21 earlier by Assemblymember Darling, an act to
22 authorize the assessor of the County of Nassau to
23 accept an application for exemption from real
24 property taxes.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

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

4 ACTING PRESIDENT BENJAMIN: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BENJAMIN:
8 Announce the results.

9 THE SECRETARY: In relation to
10 Calendar Number 685, those Senators voting in the
11 negative are Senators Akshar and O'Mara.

12 Ayes, 60. Nays, 2.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 There is a substitution at the desk.
16 The Secretary will read.

17 THE SECRETARY: Senator Skoufis
18 moves to discharge, from the Committee on Rules,
19 Assembly Bill Number 7821 and substitute it for
20 the identical Senate Bill 5948, Third Reading
21 Calendar 686.

22 ACTING PRESIDENT BENJAMIN: The
23 substitution is so ordered.

24 The Secretary will read.

25 THE SECRETARY: Calendar Number

1 686, Assembly Print Number 7821, by
2 Assemblymember Zebrowski, an act authorizing the
3 Commissioner of General Services to transfer and
4 convey certain unappropriated state land to
5 Rockland Recovery Homes, Inc.

6 ACTING PRESIDENT BENJAMIN: Read
7 the last section.

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

10 ACTING PRESIDENT BENJAMIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN:
14 Announce the results.

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 687, Senate Print 5993, by Senator Serino, an act
20 to amend the Highway Law.

21 ACTING PRESIDENT BENJAMIN: Read
22 the last section.

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

25 ACTING PRESIDENT BENJAMIN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BENJAMIN:

4 Announce the results.

5 THE SECRETARY: Ayes, 62.

6 ACTING PRESIDENT BENJAMIN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 689, Assembly Print Number 8222A, substituted
10 earlier by Assemblymember Palmesano, an act to
11 amend the Village Law and the Public Officers
12 Law.

13 ACTING PRESIDENT BENJAMIN: Read
14 the last section.

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

17 ACTING PRESIDENT BENJAMIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BENJAMIN:

21 Announce the results.

22 THE SECRETARY: Ayes, 62.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 690, Assembly Print Number 8195, substituted
2 earlier by Assemblymember Thiele, an act to amend
3 the Town Law.

4 ACTING PRESIDENT BENJAMIN: Read
5 the last section.

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

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:
12 Announce the results.

13 THE SECRETARY: Ayes, 62.

14 ACTING PRESIDENT BENJAMIN: The
15 bill is passed.

16 THE SECRETARY: Calendar Number
17 692, Senate Print 6611, by Senator Brooks, an act
18 relating to authorizing the Town of Hempstead to
19 be able to grant the Roosevelt Fire District of
20 Roosevelt a property tax exemption.

21 ACTING PRESIDENT BENJAMIN: Read
22 the last section.

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

25 ACTING PRESIDENT BENJAMIN: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT BENJAMIN:

4 Announce the results.

5 THE SECRETARY: In relation to
6 Calendar Number 692, those Senators voting in the
7 negative are Senators Akshar and O'Mara.

8 Ayes, 60. Nays, 2.

9 ACTING PRESIDENT BENJAMIN: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 694, Senate Print 7867, by Senator Metzger, an
13 act to amend Chapter 262 of the Laws of 2005.

14 ACTING PRESIDENT BENJAMIN: There
15 is a home-rule message at the desk.

16 Read the last section.

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

19 ACTING PRESIDENT BENJAMIN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BENJAMIN:

23 Announce the results.

24 THE SECRETARY: In relation to
25 Calendar Number 694, those Senators voting in the

1 negative are Senators Akshar, Amedore, Borrello,
2 Boyle, Flanagan, Funke, Gaughran, Griffo, Jacobs,
3 Jordan, Martinez, O'Mara, Ranzenhofer, Ritchie,
4 Robach, Serino, Seward, Skoufis and Tedisco.

5 Ayes, 43. Nays, 19.

6 ACTING PRESIDENT BENJAMIN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 695, Senate Print 6768A, by Senator Akshar, an
10 act to amend the Village Law.

11 ACTING PRESIDENT BENJAMIN: Read
12 the last section.

13 THE SECRETARY: Section 2. 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, 62.

21 ACTING PRESIDENT BENJAMIN: The
22 bill is passed.

23 THE SECRETARY: Calendar Number
24 696, Senate Print 6823, by Senator Gallivan, an
25 act to amend the Highway Law.

1 ACTING PRESIDENT BENJAMIN: Read
2 the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:
9 Announce the results.

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 697, Senate Print 6854, by Senator Little, an act
15 to amend the Executive Law.

16 ACTING PRESIDENT BENJAMIN: Read
17 the last section.

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

20 ACTING PRESIDENT BENJAMIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BENJAMIN:
24 Announce the results.

25 THE SECRETARY: Ayes, 62.

1 ACTING PRESIDENT BENJAMIN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 698, Senate Print 6915, by Senator Flanagan, an
5 act to authorize the town of Smithtown to extend
6 the boundaries of the St. James Fire District to
7 include the Village of Head of the Harbor.

8 ACTING PRESIDENT BENJAMIN: There
9 is a home-rule message at the desk.

10 Read the last section.

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

13 ACTING PRESIDENT BENJAMIN: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN:
17 Announce the results.

18 THE SECRETARY: Ayes, 62.

19 ACTING PRESIDENT BENJAMIN: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 699, Senate Print 7012, by Senator Ranzenhofer,
23 an act to amend the Highway Law.

24 ACTING PRESIDENT BENJAMIN: Read
25 the last section.

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

3 ACTING PRESIDENT BENJAMIN: Call
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT BENJAMIN:
7 Announce the results.

8 THE SECRETARY: Ayes, 62.

9 ACTING PRESIDENT BENJAMIN: The
10 bill is passed.

11 THE SECRETARY: Calendar Number
12 700, Senate Print 7069A, by Senator Kaminsky, an
13 act to authorize the assessor of the County of
14 Nassau to accept a retroactive application for
15 exemption from real property taxes.

16 ACTING PRESIDENT BENJAMIN: Read
17 the last section.

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

20 ACTING PRESIDENT BENJAMIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BENJAMIN:
24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar Number 700, those Senators voting in the
2 negative are Senators Akshar and O'Mara.

3 Ayes, 60. Nays, 2.

4 ACTING PRESIDENT BENJAMIN: The
5 bill is passed.

6 THE SECRETARY: Calendar Number
7 701, Senate Print 7070, by Senator Kaminsky, an
8 act to authorize the assessor of the City of
9 Long Beach in the County of Nassau to accept a
10 retroactive application for exemption from real
11 property taxes.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

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

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:
20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar Number 701, those Senators voting in the
23 negative are Senators Akshar and O'Mara.

24 Ayes, 60. Nays, 2.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 702, Assembly Print Number 9094, substituted
4 earlier by Assemblymember Rosenthal, an act to
5 amend Chapter 667 of the Laws of 1868.

6 ACTING PRESIDENT BENJAMIN: Read
7 the last section.

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

10 ACTING PRESIDENT BENJAMIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN:
14 Announce the results.

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 703, Assembly Print Number 8156A, substituted
20 earlier by Assemblymember Byrnes, an act to amend
21 the Highway Law.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

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

1 ACTING PRESIDENT BENJAMIN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BENJAMIN:
5 Announce the results.

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT BENJAMIN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 704, Senate Print 7282A, by Senator Borrello, an
11 act to amend the Highway Law.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

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

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:
20 Announce the results.

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT BENJAMIN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 705, Senate Print 7295, by Senator Addabbo, an

1 act to amend the Environmental Conservation Law.

2 ACTING PRESIDENT BENJAMIN: Read
3 the last section.

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

6 ACTING PRESIDENT BENJAMIN: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BENJAMIN:
10 Announce the results.

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT BENJAMIN: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 706, Senate Print 7359, by Senator
16 Stewart-Cousins, an act authorizing Beth El
17 Synagogue Center to file an application for
18 retroactive real property tax exemption.

19 ACTING PRESIDENT BENJAMIN: Read
20 the last section.

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

23 ACTING PRESIDENT BENJAMIN: Call
24 the roll.

25 (The Secretary called the roll.)

1 ACTING PRESIDENT BENJAMIN:

2 Announce the results.

3 THE SECRETARY: In relation to
4 Calendar Number 706, voting in the negative are
5 Senators Akshar and O'Mara.

6 Ayes, 60. Nays, 2.

7 ACTING PRESIDENT BENJAMIN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 707, Senate Print 7360, by Senator Breslin, an
11 act in relation to authorizing the assessor of
12 the City of Albany to accept from the Koinonia
13 Primary Care, Inc., an application for exemption
14 from real property taxes.

15 ACTING PRESIDENT BENJAMIN: Read
16 the last section.

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

19 ACTING PRESIDENT BENJAMIN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BENJAMIN:
23 Announce the results.

24 THE SECRETARY: In relation to
25 Calendar Number 707, those Senators voting in the

1 negative are Senators Akshar and O'Mara.

2 Ayes, 60. Nays, 2.

3 ACTING PRESIDENT BENJAMIN: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 708, Assembly Print Number 7648, substituted
7 earlier by Assemblymember Goodell, an act to
8 amend the General City Law.

9 ACTING PRESIDENT BENJAMIN: Read
10 the last section.

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

13 ACTING PRESIDENT BENJAMIN: Call
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT BENJAMIN:
17 Announce the results.

18 THE SECRETARY: Ayes, 62.

19 ACTING PRESIDENT BENJAMIN: The
20 bill is passed.

21 THE SECRETARY: Calendar Number
22 709, Senate Print 7574, by Senator Martinez, an
23 act in relation to creating the Davis Park Fire
24 Department Benevolent Association.

25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

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

4 ACTING PRESIDENT BENJAMIN: Call
5 the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT BENJAMIN:
8 Announce the results.

9 THE SECRETARY: Ayes, 62.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 710, Senate Print 7579, by Senator Borrello, an
14 act to authorize the Towns of Mina and French
15 Creek in Chautauqua County to elect a single town
16 justice to preside in the town courts of such
17 towns.

18 ACTING PRESIDENT BENJAMIN: Read
19 the last section.

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

22 ACTING PRESIDENT BENJAMIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN:

1 Announce the results.

2 THE SECRETARY: Ayes, 62.

3 ACTING PRESIDENT BENJAMIN: The
4 bill is passed.

5 THE SECRETARY: Calendar Number
6 711, Senate Print 7586A, by Senator Thomas, an
7 act in relation to permitting Uniondale Land
8 Trust to file an application for certain real
9 property tax exemptions.

10 ACTING PRESIDENT BENJAMIN: Read
11 the last section.

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

14 ACTING PRESIDENT BENJAMIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN:
18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar Number 711, those Senators voting in the
21 negative are Senators Akshar and O'Mara.

22 Ayes, 60. Nays, 2.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 712, Senate Print 7714, by Senator Seward, an act
2 relating to the dissolution of the Village of
3 Groton Industrial Development Agency and the
4 disposition of the assets thereof.

5 ACTING PRESIDENT BENJAMIN: There
6 is a home-rule message at the desk.

7 Read the last section.

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

10 ACTING PRESIDENT BENJAMIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN:
14 Announce the results.

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 713, Senate Print 7729, by Senator Borrello, an
20 act to amend the Town Law and the Public Officers
21 Law.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

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

1 ACTING PRESIDENT BENJAMIN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BENJAMIN:
5 Announce the results.

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT BENJAMIN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 714, Senate Print 7749, by Senator Akshar, an act
11 to authorize the Town of Union in the County of
12 Broome to convey to New York State Electric & Gas
13 an easement.

14 ACTING PRESIDENT BENJAMIN: There
15 is a home-rule message at the desk.

16 Read the last section.

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

19 ACTING PRESIDENT BENJAMIN: Call
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT BENJAMIN:
23 Announce the results.

24 THE SECRETARY: Ayes, 62.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 715, Senate Print 7750, by Senator Jacobs, an act
4 to amend the Town Law.

5 ACTING PRESIDENT BENJAMIN: Read
6 the last section.

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

9 ACTING PRESIDENT BENJAMIN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BENJAMIN:
13 Announce the results.

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT BENJAMIN: The
16 bill is passed.

17 THE SECRETARY: Calendar Number
18 716, Senate Print 7790, by Senator Amedore, an
19 act to amend the Public Officers Law.

20 ACTING PRESIDENT BENJAMIN: Read
21 the last 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: Ayes, 62.
5 ACTING PRESIDENT BENJAMIN: The
6 bill is passed.
7 THE SECRETARY: Calendar Number
8 717, Senate Print 7794, by Senator Harckham, an
9 act to amend the Village Law.
10 ACTING PRESIDENT BENJAMIN: Read
11 the last section.
12 THE SECRETARY: Section 2. This
13 act shall take effect immediately.
14 ACTING PRESIDENT BENJAMIN: Call
15 the roll.
16 (The Secretary called the roll.)
17 ACTING PRESIDENT BENJAMIN:
18 Announce the results.
19 THE SECRETARY: Ayes, 62.
20 ACTING PRESIDENT BENJAMIN: The
21 bill is passed.
22 THE SECRETARY: Calendar Number
23 718, Senate Print 7857, by Senator Gaughran, an
24 act to amend the Vehicle and Traffic Law.
25 ACTING PRESIDENT BENJAMIN: Read

1 the last section.

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

5 ACTING PRESIDENT BENJAMIN: Call
6 the roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT BENJAMIN:
9 Announce the results.

10 THE SECRETARY: Ayes, 62.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 719, Senate Print 7880B, by Senator Breslin, an
15 act prohibiting the incineration of aqueous
16 film-forming foam.

17 ACTING PRESIDENT BENJAMIN: Read
18 the last section.

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

21 ACTING PRESIDENT BENJAMIN: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BENJAMIN:
25 Announce the results.

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 720, Senate Print 7897B, by Senator Metzger, an
6 act to amend the Highway Law.

7 ACTING PRESIDENT BENJAMIN: Read
8 the last section.

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

11 ACTING PRESIDENT BENJAMIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BENJAMIN:
15 Announce the results.

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 722, Senate Print 7923, by Senator Serino, an act
21 to amend the Highway Law.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

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

1 ACTING PRESIDENT BENJAMIN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BENJAMIN:
5 Announce the results.

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT BENJAMIN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 723, Senate Print 7953, by Senator Thomas, an act
11 in relation to authorizing the Town of Hempstead
12 to grant Southern Tier Environments for Living,
13 Inc., a property tax exemption.

14 ACTING PRESIDENT BENJAMIN: Read
15 the last section.

16 THE SECRETARY: Section 2. 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:
22 Announce the results.

23 THE SECRETARY: In relation to
24 Calendar 723, those Senators voting in the
25 negative are Senators Akshar and O'Mara.

1 Ayes, 60. Nays, 2.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 724, Senate Print 7973, by Senator LaValle, an
6 act to amend Chapter 238 of the Laws of 1963.

7 ACTING PRESIDENT BENJAMIN: Read
8 the last section.

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

11 ACTING PRESIDENT BENJAMIN: Call
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT BENJAMIN:
15 Announce the results.

16 THE SECRETARY: Ayes, 62.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 725, Senate Print 7999, by Senator May, an act to
21 amend the Judiciary Law.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

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

1 ACTING PRESIDENT BENJAMIN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BENJAMIN:
5 Announce the results.

6 THE SECRETARY: In relation to
7 Calendar Number 725, voting in the negative:
8 Senator Tedisco.

9 Ayes, 61. Nays, 1.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 726, Senate Print 8019, by Senator Boyle, an act
14 in relation to authorizing the Good Samaritan
15 Hospital Medical Center to file an application
16 for real property tax exemption.

17 ACTING PRESIDENT BENJAMIN: Read
18 the last section.

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

21 ACTING PRESIDENT BENJAMIN: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BENJAMIN:
25 Announce the results.

1 THE SECRETARY: In relation to
2 Calendar 726, those Senators voting in the
3 negative are Senators Akshar and O'Mara.

4 Ayes, 60. Nays, 2.

5 ACTING PRESIDENT BENJAMIN: The
6 bill is passed.

7 THE SECRETARY: Calendar Number
8 727, Senate Print 8027A, by Senator Kaminsky, an
9 act to authorize the assessor of the Town of
10 Hempstead, County of Nassau, to accept from Mercy
11 Medical Center an application for exemption from
12 real property taxes.

13 ACTING PRESIDENT BENJAMIN: Read
14 the last section.

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

17 ACTING PRESIDENT BENJAMIN: Call
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT BENJAMIN:
21 Announce the results.

22 THE SECRETARY: In relation to
23 Calendar Number 727, those Senators voting in the
24 negative are Senators Akshar and O'Mara.

25 Ayes, 60. Nays, 2.

1 ACTING PRESIDENT BENJAMIN: The
2 bill is passed.

3 THE SECRETARY: Calendar Number
4 728, Senate Print 8054, by Senator Persaud, an
5 act to amend the Highway Law.

6 ACTING PRESIDENT BENJAMIN: Read
7 the last section.

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

10 ACTING PRESIDENT BENJAMIN: Call
11 the roll.

12 (The Secretary called the roll.)

13 ACTING PRESIDENT BENJAMIN:
14 Announce the results.

15 THE SECRETARY: Ayes, 62.

16 ACTING PRESIDENT BENJAMIN: The
17 bill is passed.

18 THE SECRETARY: Calendar Number
19 729, Senate Print 8068B, by Senator Kaminsky, an
20 act to authorize the assessor of the County of
21 Nassau to accept a retroactive application for
22 exemption from real property taxes.

23 ACTING PRESIDENT BENJAMIN: Read
24 the last 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: In relation to
8 Calendar Number 729, those Senators voting in the
9 negative are Senators Akshar and O'Mara.

10 Ayes, 60. Nays, 2.

11 ACTING PRESIDENT BENJAMIN: The
12 bill is passed.

13 THE SECRETARY: Calendar Number
14 730, Senate Print 8075, by Senator Harckham, an
15 act to amend the Real Property Tax Law.

16 ACTING PRESIDENT BENJAMIN: Read
17 the last section.

18 THE SECRETARY: Section 3. This
19 act shall take effect January 1, 2021.

20 ACTING PRESIDENT BENJAMIN: Call
21 the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT BENJAMIN:
24 Announce the results.

25 THE SECRETARY: In relation to

1 Calendar 730, those Senators voting in the
2 negative are Senators Akshar, Amedore, Borrello,
3 Funke, Gallivan, Griffo, Helming, Jacobs, Jordan,
4 Lanza, O'Mara, Ortt, Ranzenhofer, Ritchie,
5 Robach, Seward and Tedisco.

6 Ayes, 45. Nays, 17.

7 ACTING PRESIDENT BENJAMIN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 731, Senate Print 8087B, by Senator Helming, an
11 act to amend the Alcoholic Beverage Control Law.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

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

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:
20 Announce the results.

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT BENJAMIN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 732, Senate Print 8093, by Senator Martinez, an

1 act to amend the Town Law.

2 ACTING PRESIDENT BENJAMIN: Read
3 the last section.

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

6 ACTING PRESIDENT BENJAMIN: Call
7 the roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT BENJAMIN:
10 Announce the results.

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT BENJAMIN: The
13 bill is passed.

14 THE SECRETARY: Calendar Number
15 733, Senate Print 8136, by Senator Gaughran, an
16 act in relation to authorizing the assessor of
17 the Town of Huntington, County of Suffolk.

18 ACTING PRESIDENT BENJAMIN: Read
19 the last section.

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

22 ACTING PRESIDENT BENJAMIN: Call
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT BENJAMIN:

1 Announce the results.

2 THE SECRETARY: In relation to
3 Calendar Number 733, those Senators voting in the
4 negative are Senators Akshar and O'Mara.

5 Ayes, 60. Nays, 2.

6 ACTING PRESIDENT BENJAMIN: The
7 bill is passed.

8 THE SECRETARY: Calendar Number
9 735, Senate Print 8204, by Senator Harckham, an
10 act to amend the Real Property Tax Law.

11 ACTING PRESIDENT BENJAMIN: Read
12 the last section.

13 THE SECRETARY: Section 2. 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: In relation to
21 Calendar Number 735, those Senators voting in the
22 negative are Senators O'Mara, Ortt and Serino.

23 Ayes, 59. Nays, 3.

24 ACTING PRESIDENT BENJAMIN: The
25 bill is passed.

1 THE SECRETARY: Calendar Number
2 736, Senate Print 8225, by Senator Montgomery, an
3 act to amend the Alcoholic Beverage Control Law.

4 ACTING PRESIDENT BENJAMIN: Read
5 the last section.

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

8 ACTING PRESIDENT BENJAMIN: Call
9 the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT BENJAMIN:
12 Announce the results.

13 THE SECRETARY: In relation to
14 Calendar Number 736, voting in the negative:
15 Senator Skoufis.

16 Ayes, 61. Nays, 1.

17 ACTING PRESIDENT BENJAMIN: The
18 bill is passed.

19 THE SECRETARY: Calendar Number
20 737, Senate Print 8285, by Senator Brooks, an act
21 to amend the Nassau County Civil Divisions Act.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

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

1 ACTING PRESIDENT BENJAMIN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BENJAMIN:
5 Announce the results.

6 THE SECRETARY: Ayes, 62.

7 ACTING PRESIDENT BENJAMIN: The
8 bill is passed.

9 THE SECRETARY: Calendar Number
10 738, Senate Print 8299, by Senator Jordan, an act
11 to amend the Public Officers Law.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

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

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:
20 Announce the results.

21 THE SECRETARY: Ayes, 62.

22 ACTING PRESIDENT BENJAMIN: The
23 bill is passed.

24 THE SECRETARY: Calendar Number
25 739, Senate Print 8344A, by Senator O'Mara, an

1 act authorizing the alienation of certain
2 reforested lands in the County of Yates.

3 SENATOR GIANARIS: Lay it aside for
4 the day.

5 ACTING PRESIDENT BENJAMIN: The
6 bill will be laid aside for the day.

7 THE SECRETARY: Calendar Number
8 741, Senate Print 8350B, by Senator Thomas, an
9 act in relation to authorizing the Nassau County
10 assessor to accept an application from NGIP,
11 Inc., for a real property tax exemption.

12 ACTING PRESIDENT BENJAMIN: Read
13 the last section.

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

16 ACTING PRESIDENT BENJAMIN: Call
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT BENJAMIN:
20 Announce the results.

21 THE SECRETARY: In relation to
22 Calendar Number 741, those Senators voting in the
23 negative are Senators Akshar and O'Mara.

24 Ayes, 60. Nays, 2.

25 ACTING PRESIDENT BENJAMIN: The

1 bill is passed.

2 THE SECRETARY: Calendar Number
3 742, Senate Print 8378, by Senator Jacobs, an act
4 to amend the General City Law.

5 ACTING PRESIDENT BENJAMIN: Read
6 the last section.

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

9 ACTING PRESIDENT BENJAMIN: Call
10 the roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT BENJAMIN:
13 Announce the results.

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT BENJAMIN: The
16 bill is passed.

17 Calendar Number 743 is high and will
18 be laid aside for the day.

19 THE SECRETARY: Calendar Number
20 744, Senate Print 8484, by Senator Metzger, an
21 act to amend the Alcoholic Beverage Control Law.

22 ACTING PRESIDENT BENJAMIN: Read
23 the last section.

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

1 ACTING PRESIDENT BENJAMIN: Call
2 the roll.

3 (The Secretary called the roll.)

4 ACTING PRESIDENT BENJAMIN:
5 Announce the results.

6 THE SECRETARY: In relation to
7 Calendar Number 744, voting in the negative:
8 Senator Skoufis.

9 Ayes, 61. Nays, 1.

10 ACTING PRESIDENT BENJAMIN: The
11 bill is passed.

12 THE SECRETARY: Calendar Number
13 745, Senate Print 8485, by Senator Montgomery, an
14 act authorizing the Commissioner of General
15 Services to sell certain land to TCH Holdings,
16 LLC.

17 ACTING PRESIDENT BENJAMIN: Read
18 the last section.

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

21 ACTING PRESIDENT BENJAMIN: Call
22 the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT BENJAMIN:
25 Announce the results.

1 THE SECRETARY: Ayes, 62.

2 ACTING PRESIDENT BENJAMIN: The
3 bill is passed.

4 THE SECRETARY: Calendar Number
5 746, Senate Print 8489, by Senator Kaminsky, an
6 act in relation to authorizing the assessor of
7 the County of Nassau to accept from the Eglise
8 Baptiste Etolie Du Matin an application for
9 exemption from real property taxes.

10 ACTING PRESIDENT BENJAMIN: Read
11 the last section.

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

14 ACTING PRESIDENT BENJAMIN: Call
15 the roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT BENJAMIN:
18 Announce the results.

19 THE SECRETARY: In relation to
20 Calendar Number 746, those Senators voting in the
21 negative are Senators Akshar and O'Mara.

22 Ayes, 60. Nays, 2.

23 ACTING PRESIDENT BENJAMIN: The
24 bill is passed.

25 THE SECRETARY: Calendar Number

1 747, Senate Print 8491, by Senator Bailey, an act
2 to amend the Highway Law.

3 ACTING PRESIDENT BENJAMIN: Read
4 the last section.

5 THE SECRETARY: Section 3. 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:
11 Announce the results.

12 THE SECRETARY: Ayes, 62.

13 ACTING PRESIDENT BENJAMIN: The
14 bill is passed.

15 Calendar 752 is high and will be
16 laid aside for the day.

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

19 SENATOR GIANARIS: Mr. President,
20 can we please return to motions and resolutions.

21 On page 30, I offer the following
22 amendments to Calendar Number 570, Senate Bill
23 6052B, and ask that said bill retain its place on
24 Third Reading Calendar.

25 ACTING PRESIDENT BENJAMIN: The

1 amendments are received, and the bill shall
2 retain its place on the Third Reading Calendar.

3 SENATOR GIANARIS: Is there any
4 further business at the desk?

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

7 SENATOR GIANARIS: I move to
8 adjourn until tomorrow, Wednesday, June 10th, at
9 11:00 a.m.

10 ACTING PRESIDENT BENJAMIN: On
11 motion, the Senate stands adjourned until
12 Wednesday, June 10th, at 11:00 a.m.

13 (Whereupon, at 3:02 p.m., the Senate
14 adjourned.)

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