NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

July 1, 2022

9:14 a.m.

EXTRAORDINARY SESSION

SENATOR ROXANNE J. PERSAUD, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT PERSAUD: The Senate will come to order.

I ask everyone present to please rise and recite the Pledge of Allegiance.

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

ACTING PRESIDENT PERSAUD: In the absence of clergy, let us bow our heads in a moment of silent reflection or prayer.

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

ACTING PRESIDENT PERSAUD: Senator Kennedy.

SENATOR KENNEDY: Good morning, Madam President. It's good to see you again.

(Laughter.)

SENATOR KENNEDY: Please read the proclamation of the Governor that's at the desk.

ACTING PRESIDENT PERSAUD: There is a proclamation from the Governor at the desk.

The Secretary will read.

THE SECRETARY: "Pursuant to the power vested in me by Article IV, Section 3, of the Constitution, I hereby convene the Senate and

Assembly of the State of New York in Extraordinary Session, at the Capitol, in the City of Albany, on the first day of July, 2022, at 2 o'clock a.m. for the purpose of:

"Considering legislation I will submit with respect to addressing necessary statutory changes regarding firearm safety, in a way that ensures protection of public safety and health, after the United States Supreme Court decision in New York State Rifle and Pistol Association, Inc., v. Bruen; and considering a concurrent resolution to enshrine equal rights in the State Constitution.

"Given under my hand and the Privy Seal of the State in the City of Albany this 1st day of July in the year 2022.

"By Governor Kathy Hochul."

ACTING PRESIDENT PERSAUD: The Secretary will call the roll to ascertain a quorum.

THE SECRETARY: Senator Addabbo.

ACTING PRESIDENT PERSAUD: Senator Addabbo is present.

THE SECRETARY: Senator Akshar.

ACTING PRESIDENT PERSAUD: Senator

Akshar is present.

THE SECRETARY: Senator Bailey.

ACTING PRESIDENT PERSAUD: Senator Bailey is present.

THE SECRETARY: Senator Biaggi.

Senator Borrello.

Senator Boyle.

Senator Breslin.

ACTING PRESIDENT PERSAUD: Senator Breslin is present.

THE SECRETARY: Senator Brisport.

ACTING PRESIDENT PERSAUD: Senator Brisport is present.

THE SECRETARY: Senator Brooks.

Senator Brouk.

ACTING PRESIDENT PERSAUD: Senator Brouk is present.

ACTING PRESIDENT PERSAUD: Senator Cleare.

Senator Comrie.

ACTING PRESIDENT PERSAUD: Senator Comrie is present.

Senator Cooney.

Senator Felder.

ACTING PRESIDENT PERSAUD: Senator

Felder is present.

THE SECRETARY: Senator Gallivan.

Senator Gaughran.

Senator Gianaris.

Senator Gounardes.

ACTING PRESIDENT PERSAUD: Senator Gounardes is present.

THE SECRETARY: Senator Griffo.

ACTING PRESIDENT PERSAUD: Senator Griffo is present.

THE SECRETARY: Senator Harckham.

SENATOR HARCKHAM: Here.

THE SECRETARY: Senator Helming.

Senator Hinchey.

ACTING PRESIDENT PERSAUD: Senator Hinchey is present.

THE SECRETARY: Senator Hoylman.

ACTING PRESIDENT PERSAUD: Senator Hoylman is present.

THE SECRETARY: Senator Jackson.

ACTING PRESIDENT PERSAUD: Senator Jackson is present.

THE SECRETARY: Senator Jordan.

ACTING PRESIDENT PERSAUD: Senator Jordan is present.

THE SECRETARY: Senator Kaminsky.
ACTING PRESIDENT PERSAUD: Senator Kaminsky is present.
THE SECRETARY: Senator Kaplan.
SENATOR KAPLAN: Here.
THE SECRETARY: Senator Kavanagh.
ACTING PRESIDENT PERSAUD: Senator Kavanagh is present.
THE SECRETARY: Senator Kennedy.
SENATOR KENNEDY: Here.
THE SECRETARY: Senator Krueger.
ACTING PRESIDENT PERSAUD: Senator Krueger is present.
THE SECRETARY: Senator Lanza.
Senator Liu.
ACTING PRESIDENT PERSAUD: Senator Liu is present.
THE SECRETARY: Senator Mannion.
ACTING PRESIDENT PERSAUD: Senator Mannion is present.
THE SECRETARY: Senator Martucci.
ACTING PRESIDENT PERSAUD: Senator Martucci is present.
THE SECRETARY: Senator Mattera.
SENATOR MATTERA: Here.

THE SECRETARY: Senator May.
ACTING PRESIDENT PERSAUD: Senator May is present.
THE SECRETARY: Senator Mayer.
ACTING PRESIDENT PERSAUD: Senator Mayer is present.
THE SECRETARY: Senator Myrie.
ACTING PRESIDENT PERSAUD: Senator Myrie is present.
THE SECRETARY: Senator Oberacker.
ACTING PRESIDENT PERSAUD: Senator Oberacker is present.
THE SECRETARY: Senator O'Mara.
Senator Ortt.
ACTING PRESIDENT PERSAUD: Senator Ortt is present.
THE SECRETARY: Senator Palumbo.
Senator Parker.
Senator Persaud.
ACTING PRESIDENT PERSAUD: Present.
THE SECRETARY: Senator Ramos.
ACTING PRESIDENT PERSAUD: Senator Ramos is present.
THE SECRETARY: Senator Reichlin-Melnick.

Senator Ritchie.

ACTING PRESIDENT PERSAUD: Senator Ritchie is present.

Senator Kennedy, a quorum is present.

SENATOR KENNEDY: Thank you, Madam President.

Have the Governor and the Assembly been informed that the Senate is ready to proceed?

ACTING PRESIDENT PERSAUD: Both the Governor and Assembly have been informed that the Senate is ready to proceed.

SENATOR KENNEDY: I now hand up the following resolution and ask for its immediate adoption.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 1, by Senator Stewart-Cousins, providing for the introduction of bills in the Senate during the Extraordinary Session.

ACTING PRESIDENT PERSAUD: The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed?

(No response.)

ACTING PRESIDENT PERSAUD: The resolution is adopted.

Senator Kennedy.

SENATOR KENNEDY: Madam President, the Senate will stand at ease.

Madam President, while we are at ease here in the Senate, we will be calling a meeting of the Rules Committee at 10:00 a.m.

ACTING PRESIDENT PERSAUD: There will be a meeting of the Rules Committee at 10:00 a.m.

The Senate will stand at ease.

(Whereupon, the Senate stood at ease at 9:19 a.m.)

(Whereupon, the Senate reconvened at 11:12 a.m.)

ACTING PRESIDENT PERSAUD: The Senate will return to order.

Senator Kennedy.

SENATOR KENNEDY: Thank you, Madam President. There's a report of the Rules Committee at the desk.

Please take that up.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senator Stewart-Cousins, from the Committee on Rules, reports the following bills:

Senate Print 1, by Senator Stewart-Cousins, an act to amend the Penal Law;

Senate Print 2, by Senator Stewart-Cousins, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 11 of Article 1 of the Constitution.

Both bills reported direct to third reading.

ACTING PRESIDENT PERSAUD: Senator Kennedy.

SENATOR KENNEDY: I move to accept the report of the Rules Committee, Madam President.

ACTING PRESIDENT PERSAUD: All those in favor of accepting the Rules Committee report signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed,

nay.

(Response of "Nay.")

ACTING PRESIDENT PERSAUD: The Rules Committee report is accepted.

Senator Kennedy.

SENATOR KENNEDY: Please take up the reading of the calendar.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Calendar Number 1, by Senator Stewart-Cousins, an act to amend the Penal Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Senator Kennedy.

SENATOR KENNEDY: Madam President, is there a message of necessity at the desk?

ACTING PRESIDENT PERSAUD: There is a message of necessity at the desk.

SENATOR KENNEDY: I move to accept the message of necessity.

ACTING PRESIDENT PERSAUD: All those in favor of accepting the message of necessity signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed, nay.

(Response of "Nay.")

ACTING PRESIDENT PERSAUD: The message is accepted, and the bill is before the house.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT PERSAUD: Lay it aside.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 2, Senate Print 2, by Senator Stewart-Cousins, Concurrent Resolution of the Senate and Assembly proposing an amendment to Section 11 of Article 1 of the Constitution.

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Madam President. I apologize for not recognizing we were moving so quickly.

But it's my -- it is really my honor to speak in support of this amendment and to put

on the record the fact that after the Supreme Court's really, in my opinion, not only erroneous but disastrous decision in the Dobbs case, that New York is taking the lead -- under the leadership of this Governor, with the leadership of our Majority Leader, Andrea Stewart-Cousins, and our colleagues in the Assembly and Speaker Heastie -- because we are putting into the New York State Constitution the protection for many people which has long been neglected in our state Constitution.

So what is so important in this bill is that we are enumerating the categories that are essential for equal rights protection. And they include ethnicity, national origin, age, disability, religion -- which is included already -- or sex, specifically including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy.

These essential signature parts of our identity need protection in the State Constitution, and particularly the fact that the right to reproductive health services, including abortion and contraception, are defined within

the word "sex" in the New York State Constitution.

This is one of the most pressing challenges of our time. And women and men throughout New York and in fact the nation have risen up to say that we must do what we must do to protect these essential rights. Today we are doing that for New Yorkers. I only wish that every state was as forward-looking and as courageous as the leaders in New York in making sure that these words were enshrined in their state constitution.

Because at the end of the day, our fellow sisters in Alabama and Louisiana and in other states are going to be seeking justice here in New York for rights that they don't have anymore.

So I'm proud to be voting yes. I appreciate the leadership of this moment. And this is an incredibly important step forward at this moment in time.

Thank you for the opportunity to ensure that these words and their meaning exist in the New York State Constitution.

I vote aye.

ACTING PRESIDENT PERSAUD: Senator Mayer to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 2, those Senators voting in the negative are Senators Akshar, Borrello, Felder, Gallivan, Griffo, Helming, Jordan, Lanza, Oberacker, O'Mara, Ortt, Ritchie, Stec and Tedisco.

Ayes, 49. Nays, 14.

ACTING PRESIDENT PERSAUD: The resolution is passed.

Senator Kennedy, that completes the reading of the calendar.

SENATOR KENNEDY: Can we now go to the reading of the controversial calendar, please.

ACTING PRESIDENT PERSAUD: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 1, Senate Print 1, by Senator Stewart-Cousins, an act to amend the Penal Law.

ACTING PRESIDENT PERSAUD: Senator Lanza, why do you rise?

SENATOR LANZA: Hello, Madam President.

I believe there's an amendment at the desk. I waive the reading of that amendment and ask that you recognize Senator Helming to be heard.

ACTING PRESIDENT PERSAUD: Thank you, Senator Lanza.

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

SENATOR LANZA: Accordingly, Madam President, I appeal the chair's ruling and ask that Senator Helming be recognized.

ACTING PRESIDENT PERSAUD: The appeal has been made and recognized, and Senator Helming may be heard.

SENATOR HELMING: Thank you, Madam President.

I rise to appeal the ruling of the chair. The proposed amendment is germane because the bill at hand relates to firearms regulations and the proposed amendment makes changes to the laws to ensure that those who illegally possess and use firearms face serious criminal

consequences.

Madam President, I offer -- if this body is truly interested in protecting the people of this state, if we truly want to address the violent crime and gun violence plaguing our communities and ripping apart innocent families, there are several steps we must take. And these steps are covered in the amendment I put forward.

First, we must make crimes involving the illegal use and possession of firearms bail-eligible. We must stop coddling criminals by passing legislation that creates a pro-criminal environment and ties the hands of law enforcement and our elected judges -- like bail and discovery reforms, Clean Slate, Less is More, the HALT Act.

Instead, we need to reverse course and strengthen, strengthen the penalties for the illegal use and possession of firearms. And we must hold minors accountable for gun violence by requiring them to be tried in adult court.

The people who elected us, they placed their trust in us. They expect us to be leaders who prioritize public safety. They want us -- no, I take that back. They are begging us,

they're begging us to set aside partisan politics and protect their families by passing meaningful legislation that will stop the horrific gun violence.

The amendment I have before you is reasonable, it is responsible, and it will allow us to truly tackle illegal gun crimes by increasing penalties and keeping those who illegally use firearms behind bars where they cannot hurt more innocent victims.

I hear it all the time, and I'm sure so many of you do too, whether it's calls to the office, whether you're stopped in the grocery store -- heck, I was even walking in a parade and got pulled aside -- people are afraid. They don't want those who commit violent crimes roaming the streets while waiting for trial because law enforcement and judges are limited by state laws to impose pretrial detention.

The bill before us does not fix this problem. The bill before us will not in any way stop or intimidate criminals. Let's face it. Criminals are not rule followers. Criminals are not going to follow the requirements outlined in this bill. They're not going to apply for a

firearms permit to carry. They're not going to apply for permits to purchase ammunition.

But under this bill, what they may do -- what they may do -- is target and terrorize the locations where firearms are banned under this legislation.

The truth is the only people who will be impacted by the bill before us are people who follow rules. This bill will make it more difficult for law-abiding citizen to legally carry concealed firearms for protection, protection which many of my constituents and I'm sure many of your constituents feel is needed more now than ever before.

Again, I stress the bill the Majority members have crafted and put before us today will do nothing, absolutely nothing to prevent gun violence or the illegal possession of firearms. It will only punish our constituents who wish to exercise their constitutional right -- a right reaffirmed by the Supreme Court to publicly carry a concealed firearm for self-defense.

Criminals who illegally possess and use firearms, including 16-and-17-year-olds, must

be brought to court. Under the current system, it's far too difficult to prosecute 16- and 17-year-olds who have violated use and possession gun laws.

The amendment I have brought forward on behalf of our Republican Conference has been proposed and supported by law enforcement. It's been supported by New York City Mayor Eric Adams. We all agree it's time to get tough on those who harm our communities.

We won't protect our communities and neighborhoods by passing the bill before us and furthering infringing on the rights of law-abiding citizens by taking away their constitutional rights. We protect our communities by increasing the penalties for those who break the laws. My amendment does just that.

I urge my colleagues in the Majority to break from party-line voting, vote yes to move this amendment forward, and let's work together to end gun violence.

Madam President, for these reasons and many others, I urge you to reconsider your ruling.

ACTING PRESIDENT PERSAUD: Thank

you, Senator.

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

Those in favor of overruling the chair signify by saying aye.

SENATOR LANZA: Request a show of hands.

SENATOR KENNEDY: Madam President, by unanimous consent, please waive the showing of hands and record each member of the Minority Conference in the affirmative.

ACTING PRESIDENT PERSAUD: Without objection, so ordered.

Announce the results.

THE SECRETARY: Ayes, 20.

ACTING PRESIDENT PERSAUD: The ruling of the chair stands, and the bill-in-chief is before the house.

Senator Stec, why do you rise?

SENATOR STEC: If the sponsor would yield for some questions, please.

ACTING PRESIDENT PERSAUD: Senator Kennedy.

SENATOR KENNEDY: Madam President,

just a point of clarification.

On this bill we will have both Senator Myrie and Senator Kavanagh answering questions, and they will take them respectively and coordinate between the two of them.

Thank you.

ACTING PRESIDENT PERSAUD: Thank you.

Will the sponsors yield.

SENATOR KAVANAGH: Yes, Madam President. Yes and yes.

ACTING PRESIDENT PERSAUD: The sponsors yield.

SENATOR STEC: Thank you, Madam President. I'm fine doing two-on-one. That's good. Thank you.

Through you, Madam President, it's been quite a process in this -- it's been an extraordinary process in this extraordinary session. When was this legislation introduced?

SENATOR KAVANAGH: Through you, Madam President. As my colleague well knows, the bill was formally numbered this morning, although the Minority Conference was provided with a copy last evening.

SENATOR STEC: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: So just for the public's sake, you would agree that it was -- was it introduced with enough time to age? Or did we need a message of necessity waiving the constitutionally required three-day aging process?

SENATOR KAVANAGH: Through you, Madam President, I just -- to add something to my prior answer, the bill -- the text of the bill was also posted by the Governor's office overnight, so it was also available to the public overnight.

And as my colleague knows, we did accept a message of necessity in this house pursuant to the Constitution so that we can pass -- so that we can take up this bill

consistent with the Constitution now.

SENATOR STEC: So not only was the -- the bill didn't age three days, it hasn't aged three hours.

This is a -- through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: So this is a significant piece of legislation that is going to have serious impacts on how our residents can constitutionally exercise their constitutionally guaranteed right to carry firearms for -- firearms publicly for self-defense.

How can you introduce legislation with serious consequences for New Yorkers without even letting it age properly or letting those affected by it review it, reach out to their legislators -- the 63 of us and the 150 Assemblymembers -- and be heard on any concerns

they may have?

SENATOR KAVANAGH: Through you, Madam President, we're here today at the call of Governor Kathy Hochul to consider this legislation which makes important statutory changes regarding firearm safety and ensuring that our concealed-carry law is -- our laws are consistent with a recent ruling of the Supreme Court.

In that ruling, New York State Rifle and Pistol Association vs. Bruen, the court found that one significant provision of our concealed-carry law, the one that requires that permit applicants demonstrate to a permitting official that they have proper cause to carry a gun, was found unconstitutional.

We in the Majority think, first of all, that these laws, the underlying laws -- which have been on the books for a century and specified the various ways that one has to apply for a permit, the various provisions of that application process -- we think those are important.

We also think it's important to promptly address a circumstance where the

U.S. Supreme Court has ruled our laws unconstitutional, so we're taking prompt action to address that. And we're doing that in a manner that is consistent with the ruling of the U.S. Supreme Court in Bruen, the recent case, and also in prior rulings of that court.

SENATOR STEC: Through you, Madam President, will the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: So I think my question was -- and I think I may have heard an answer in there -- that I was asking how we justified a significant alteration of constitutional freedom that was just upheld and clarified by the U.S. Supreme Court a week ago, without allowing the public or frankly anyone adequate time to comment on, review the changes that this body and the Governor are proposing.

It sounded like you put a lot of

onus on the Governor for bringing us here today. Certainly I think the Governor did a -- owns a lot of the responsibility for the two days that we've been here in Albany twiddling our thumbs waiting to get a bill.

Who was involved in drafting this legislation? I mean, if we're here at the call of the Governor, did the Governor draft this legislation? Or did the Majority have a hand in this the last 36 hours while the rest of us were waiting?

SENATOR KAVANAGH: Through you, Madam President. First of all, yes, I'm giving not so much onus as credit to the Governor for taking decisive action in the face of a Supreme Court ruling that, again, fundamentally calls into question an existing set of laws that have been on the books for a hundred years.

The decision in question was -- led to the Governor promptly to announce that we would be taking up legislation and specifying that we would be adding certain requirements and some other provisions that are before us today.

And yes, this bill was negotiated beginning -- frankly, many people on both sides

of the aisle anticipated Bruen, and the provisions of this bill, many of them are modeled on provisions that are available in other states. Many of them in fact were referenced favorably by both the majority opinion and several of the concurrences, which took great pains to emphasize that states like New York do still have a substantial ability to regulate firearms.

So the thinking about this, the discussion began before the Bruen decision came down. And this bill was otherwise negotiated in the normal way we negotiate bills, with members of the Assembly and the Senate and our respective staffs and the Governor and her staff negotiating to the bill that we have before us today.

SENATOR STEC: Madam President, would the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: So negotiated in the normal way meaning that although we called -- the

Governor ordered a special session a week ago, we didn't have a bill until hours ago, and we're blowing off the three-day constitutionally required aging process with a message of necessity. That's what you mean when you say the normal process?

Like -- like our budgets, and the SAFE Act before?

SENATOR KAVANAGH: Through you, Madam President, I'd appreciate if my colleague would -- you know, a bit of editorializing there.

I would note that members on both sides of the aisle have very frequently, over the course of many years, voted not to blow off messages of -- blow off three-day aging requirements, but to accept, as the Constitution provides, a message of necessity when the members of this chamber believe it's warranted.

It is the case that it is more likely that members do that when they are in the majority, and certainly members on the other side of the aisle very frequently accepted messages of necessity when it was warranted. We of course have made the decision today that addressing this decision of the U.S. Supreme Court that a

specific provision of our law is constitutionally infirm is important and it is timely and we're doing it today pursuant to a message of necessity, because that's -- because we believe there is in fact such a necessity and that what we're doing today is timely.

SENATOR STEC: Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you, Madam President.

Did you reach out to any firearm experts in drafting this legislation?

SENATOR KAVANAGH: Through you, Madam President, yes, there were many firearm experts and in fact many people consulted on this. And I would note that the executive branch itself has access to many firearms experts, many of whom work for the State Police and DCJS and other agencies.

And again, this bill is also informed by the many precedents in many other states and, again, many of the provisions are modeled on those provisions.

SENATOR STEC: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you.

Did you reach out to any civil rights groups that are focused on defending the Second Amendment? You or the Governor. And if so, who are they and would they confirm that?

SENATOR KAVANAGH: Through you, Madam President. Again, this bill is the result of many -- many hands. It is sponsored in this house by the leader of our house, and of course many staffers and many members of the majorities of both houses and the Governor and her staff.

So I would say a very wide range of people have been consulted on what is appropriate

and necessary to protect New Yorkers and certainly to ensure that what we're doing today, again, makes -- ensures that our laws are constitutional and that people can continue to access concealed-carry permits as they have had in the past pursuant to New York law.

So yes, many, many people were consulted.

SENATOR STEC: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: I appreciate the previous answer to a question I did not ask, so I'll ask my question again.

Did you reach out to any civil rights groups that are focused on defending the Second Amendment? I can give you examples. But did you consult with any Second Amendment groups?

SENATOR KAVANAGH: Through you,

Madam President. A Second Amendment group --

SENATOR STEC: The NRA and {inaudible}, for two examples.

SENATOR KAVANAGH: Through you, Madam President. This bill is a bill that we're introducing pursuant to a court case brought by the New York State Rifle and Pistol Association, and they made their opinions of a particular provision of our law quite clear in the proceedings of that case. And to a very substantial extent what we're doing today is addressing an objection of the New York State Rifle and Pistol Association to our existing laws by amending it and making it consistent with a constitutional ruling that they obtained in Washington.

SENATOR STEC: Madam President, through you, would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: All right, thank

you.

I would think if we were acting in good faith, one of the things that we could come up with a good law is to have a dialogue with the people that successfully dragged our unconstitutional law into question and had it thrown out by the Supreme Court.

The Governor has cited repeatedly, in previous discussions on other issues like bail reform -- and so have members of the Majority -- resisting a desire to amend or address failures of that legislation because more data was needed.

Now, you know, as an aside -- I don't want to get off on a tangent about bail reform, but there's all kinds of data there, and yet a justification to not fix that legislation has been "We need more data."

So with that statement, do you have data on how many gun crimes have been committed by law-abiding, pistol-permit owning -- you know, the gun that was involved was appropriately licensed and carried by a pistol permit holder that had, to that point, followed all the procedures, as opposed to somebody that obtained an illegal gun, was not a law-abiding gun owner.

Do we have -- is it 5 percent that are committed by people that are brandishing illegally firearms, or is it 95 percent? Do we have that data? Because we are amending the constitution -- you know, we are tinkering with a constitutional right here. So I would think that data would be of the utmost importance in something as important as this.

SENATOR KAVANAGH: Through you, Madam President. First of all, I just -- since there was a tangent -- tangential nontangent there, the characterization that we are declining to fix existing laws that have failed is simply false. We pass laws. We constantly review our laws. And we will continue to do so in the many areas that we legislate in this chamber.

In terms of data, I do not have that data at my fingertips. But it is the case that many gun crimes, a substantial fraction of all gun crimes in America are committed by people who legally possess their firearm.

And so it is a myth that law-abiding -- so-called law-abiding citizens do not commit crimes. In fact, one ceases to be a law-abiding citizen as soon as one does commit a

crime. And there are frequent cases of people committing gun crimes with guns that they're legally entitled to possess.

And to the notion that we are tinkering with a constitutional right here -- Madam President, I would reject that characterization. What we are doing is responding specifically and promptly to a decision of the U.S. Supreme Court that invalidated a specific provision of our law, and we are removing that provision and substituting it with a provision that we believe is constitutional according to the dictates of the majority of the U.S. Supreme Court.

And then we are taking other steps here that we believe are necessary -- in light of that ruling and in light of, you know, ongoing concerns about gun crime -- to address those concerns.

SENATOR STEC: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam

President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: All right. And in a previous answer I did not hear you offer any data as to what those percentages may be. And I'm not an attorney, but my read of what the U.S. Supreme Court just said was -- is that there was a problem with New York State law, it was unconstitutional by definition. And so if it's unconstitutional, that tells me it needs fixing.

SENATOR KAVANAGH: Through you, Madam President, the fixing I was referring to was my colleague's assertion that we were declining to fix other broken things because of some need for data. And I think that's not a characterization.

But to stay on the matter before us, the U.S. Supreme Court found one provision of our concealed-carry-permitting laws unconstitutional. It is the notion that in order to receive a concealed-carry permit in New York, until today you needed -- the law specified that you needed to satisfy a permitting official that you had proper cause to carry a gun.

And although proper cause is not defined in the law, it has been defined by a hundred years of case law to mean a need for a gun to protect yourself that can be differentiated from the general public's desire to protect themselves with a gun.

That provision has now been struck down, and we are -- through extensive guidance from a very long and thorough opinion by the Supreme Court and several concurrences, we are taking steps that in some cases were effectively suggested by the court itself to correct that constitutional infirmity to make our laws constitutional so there will not be a gap in our existing law that permits people to exercise this constitutional right.

SENATOR STEC: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: All right. Thank you, Madam President.

So correct me if you disagree. By my count, there are 43 shall-issue states, and New York was one of seven may-issue states.

SENATOR KAVANAGH: Through you, Madam President, not quite correct. There are six may-issue states; the District of Columbia is a may-issue jurisdiction.

And to round out the 50 states, Vermont does not require a permit at all to carry.

SENATOR STEC: I would count them in the 43, but okay.

If the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: So again, on the one hand, big on not making any moves to correct other legislation without data, here's a non-data

statement: The Governor has consistently been saying that the Bruen decision will turn New York into the Wild West. I'm not sure exactly -- you know, how do you put a number on what is not the Wild West?

Maryland is a may-issue state, and Baltimore has the second-highest murder rate in the country. Buffalo has a higher murder rate than Miami and Houston, even though Florida and Texas are shall-issue states, and has historically had some of the strictest gun laws in the country.

So my question is, can you point to any of the 43 shall-issue states where they passed the shall-issue law and shootings increased? Are shall-issue states the Wild West?

SENATOR KAVANAGH: Through you, Madam President, I'm not here to discuss, you know, rhetoric that I haven't seen that may or may not be outside this room.

But it is the case that shall-issue states have had higher rates of gun-related death than may-issue states for a long time.

Having said that, and that includes New York having -- New York has one of the lowest

rates of gun-related death in America. Cherry-picking one city and saying it has a higher rate of gun-related death than some other city isn't a particularly data-driven way of thinking about this problem.

New York City, the largest city in America, with a great deal of challenges, has a much lower rate of gun-related death than almost any major city in America. And New York State statewide has one of the lowest rates of gun-related death and has a rate that is only a modest fraction of the rates in many states that are shall-issue states.

Notwithstanding that, we are not here to debate the benefits of being a may-issue state versus being a shall-issue state. The U.S. Supreme Court has spoken definitively on that. Six justices of the Supreme Court have determined that it is not permissible to require proper cause be demonstrated and that officials have a discretion to determine whether you have proper cause.

So we are here today to make New York a shall-issue state and then to specify what conditions are necessary to get a

concealed-carry permit consistent with what the U.S. Supreme Court has indicated that we need to do.

SENATOR STEC: Madam President, through you, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you.

Well, let's talk about that process a little bit, the changes to the process.

Is there still a requirement that a person be, quote, of good moral character in order to be approved for a license? And if so, how is good moral character defined? And who gets to decide whether a person has demonstrated good moral character?

SENATOR KAVANAGH: Through you, Madam President, those words are still in the statute. And of course those words were not challenged at the Supreme Court level.

But the -- we are taking the time to define that more specifically. And that is now defined -- this is on page 2 of the bill. It says "For purposes of this bill, good moral character shall mean having the essential character, temperament and judgment necessary to be entrusted with a weapon and to use it only in a manner that does not endanger oneself or others."

SENATOR STEC: Who decides that?

SENATOR KAVANAGH: Through you, Madam President, as I continue to yield, the --

SENATOR STEC: Well, that was part of my question, was who gets to decide.

SENATOR KAVANAGH: The permitting official will make that judgment in a process that is specified in statute, as is the case in many shall-issue states across the country.

SENATOR STEC: Madam President, through you, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you, Madam President.

So how does this legislation ensure that this is being evaluated in a consistent and objective manner across the state within jurisdictions and from jurisdiction to jurisdiction?

SENATOR KAVANAGH: Thank you. Through you, Madam President, I thank my colleague for the question.

The bill does have several improvements that are intended to ensure fairness and consistency and due process, including creating, for the first time ever in New York, a requirement that the reason for any rejection or failure to renew or revocation of a license is specified in writing and creating a new board so that people who are the subject of any of those adverse actions by a permitting authority have an opportunity to formally appeal.

SENATOR STEC: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you.

If a person currently has a restricted license, do they need to reapply for an unrestricted concealed-carry license, or will their existing license be converted to an unrestricted license?

SENATOR KAVANAGH: Through you, Madam President, just for those who might be watching, a restricted license -- I assume my colleague means a license that currently permits one only to possess a gun in a particular place, like one's home or one's business. And an unrestricted license is what we often call a carry license that allows one to carry a gun in public places.

And the answer is somebody who has applied for a restricted license, that will not now automatically or magically become an unrestricted license. There are, of course,

holders of unrestricted licenses. Those will, as they're renewed, really need to be renewed under this new process. But people are now entitled, as they have always been, to apply for a restricted license or an unrestricted license.

SENATOR STEC: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you.

So through recertifying or reapplying. So prior to the SAFE Act, if you had a pistol permit issued to you when you're 21 or 25 years old or whatever, that pistol permit was good for life. And then that was changed in the SAFE Act, requiring a five-year reapplication, recertification. And this legislation would change that from five years, it would lower it to every three years you would have to reapply.

I'd like to know if that's accurate.

And currently there's no cost in the current post-SAFE Act law for that recertification every five years. Will there continue to be no cost with the change here in this law?

SENATOR KAVANAGH: Through you, Madam President. Just for clarity, this bill does not affect the term of restricted permits. So if those -- there are -- those are currently three years in New York City and I think some other jurisdictions, and five years in much of the state. This bill does not affect that at all.

It does say that a concealed-carry permit or a unrestricted permit does now have a three-year term, and that is statewide for all concealed-carry permits.

There is no provision in the bill for a fee. But as with many governmental processes, an administrative agency may choose to charge a fee for that administrative process.

SENATOR STEC: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: So on the subject of costs and fees, I understand that this legislation requires a certain amount of proficiency and classroom training and instruction. I'd like to talk about that a little bit, if we may.

But you mentioned fees. Is there a maximum application fee that is established in this legislation that would prohibit a jurisdiction that may have historically over the last hundred years despised private gun ownership from just putting in an exorbitant fee to exercise your Second Amendment rights? Is there a maximum fee capped in this legislation?

SENATOR KAVANAGH: Through you, Madam President. Fees -- the fee issue and the training issue are somewhat distinct, so maybe we'll just take them separately.

The fee issue has -- it has been the case that localities have set the fees for a long time. Those have varied very widely from one

jurisdiction to another. As a general matter, in our laws a fee is intended to be covering the cost of a particular service. A tax is something that we generally need to authorize here at the state level.

Again, the fees have varied widely to cover the costs of the processing of applications, and in New York City they are several multiples of fees in other jurisdictions for these permits. There's nothing in this bill that changes that reality.

The training requirement is new, and it -- there are some jurisdictions in New York State that already require training before one gets a permit. In this bill we're making it statewide that one is required, in order to get a permit, to have 16 hours of in-class training and two hours of live-fire training if they are seeking a concealed-carry permit.

SENATOR STEC: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes,

Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: So continuing on the training issue, and proficiency, two hours of proficiency training. How proficient do you have to be to exercise your Second Amendment rights -- broad side of a barn or eye of a bird flying above you at a half a mile? How is that defined?

SENATOR KAVANAGH: Through you, Madam President, the State -- DCJS and the State Police will determine the standard for proficiency. I don't think -- I doubt it will involve the eyes of birds, but I guess that's possible.

SENATOR STEC: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: So just so I

understand, this bill mandates statewide training proficiency, but the bill does not define what that proficiency is. This bill is going to authorize and empower the executive departments to determine and write those rules, and we don't know what they might be.

They're likely not to be a bird's eye at a half a mile, but it could be a high bar for somebody to simply want to be able to scare the hell out of an intruder in their home, and it doesn't matter if they hit him or not, they want to have a firearm in their home or on the street to defend their lives. It may -- you know -- you see what I'm saying?

SENATOR KAVANAGH: Through you, Madam President, yes, I do see.

And again, I just want to clarify that somebody who is seeking a permit to defend one's home is not affected by the live-fire training requirement at all, is not -- we are not requiring live-fire training to have a restricted permit to have your gun in your home.

SENATOR STEC: (Inaudible.)

SENATOR KAVANAGH: Okay. So -- but it's just -- I think it's important for all those

listening that they know what we're doing and not doing.

Yes. And yes, we think it is reasonable, if one wants to use a gun to protect oneself, that one demonstrate a proficiency in firing that gun and hitting the target that one intends to hit, rather than perhaps bystanders or others. So we have a proficiency standard.

Defining proficiency in a statute like this would be, I think, technically challenging and is better -- I think is better left to the State Police, which is already in the business of judging proficiency for police officers and others. And we think it's reasonable to say you have to demonstrate a basic proficiency if a gun is your -- if you're choosing to use a gun and carry it into public places.

SENATOR STEC: Madam President, would the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The

sponsor yields.

SENATOR STEC: Well, I think I was going to pivot off of that, but you just -- your last part of your answer raised a concern for me.

Are you suggesting that it's feasible that the Executive or DCJS may establish a police level of proficiency for somebody to have a carry conceal permit? I mean, police officers undergo an awful lot of training to get the -- you know, a lot more than two hours. I hope.

SENATOR KAVANAGH: Through you, Madam President, again, we are leaving this to the Executive and the folks in our state who are experts in judging proficiency, and that's why I mentioned the police.

But given that both police officers and retired police officers both on duty and off duty -- and again, even in retirement -- have a greater range of rights even under this bill, I would assume that there would be an expectation of a higher level of proficiency for our uniformed law enforcement and probably retirees as well.

But again, that is not something

that the bill details.

SENATOR STEC: Madam President, will the sponsor continue to yield for some more questions on training.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you, Madam President.

So every three years for a concealed permit you have to reapply or recertify. Does that also include another 16 hours of classroom training and another two hours of proficiency training? Do they have to re-demonstrate proficiency every three years now?

And an associated question with that, do you know how many pistol permit holders there currently are in the State of New York? You may not have heard that last part.

SENATOR KAVANAGH: Through you, Madam President, I just wanted to clarify a few things with my colleagues.

The bill does not require that one go through the 16 hours of training again to recertify. And it is -- it does not formally require that the proficiency be recertified.

SENATOR STEC: Just once, is that what you're saying? Or every three years?

SENATOR KAVANAGH: Right. So the bill provides that to get a permit issued, one will need to get -- one will need to go through the training and proficiency requirements we've mentioned.

And there is a provision if you have an existing permit, you will have to go through those provisions because they -- after -- if one is applying after this date. But there is not in the bill a provision that requires that proficiency be demonstrated every three years after that.

SENATOR STEC: Thank you.

Madam President, will the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Through you, Madam President, yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: So I know there are some exceptions to who's required to get this training.

Honorably discharged veterans, are they exempt from this training requirement? If you're an honorably discharged veteran, would you still have to get the 16 hours and the two hours of proficiency training to get a concealed license?

SENATOR KAVANAGH: Through you, Madam President, with apologies, I missed the beginning of the question.

SENATOR STEC: Through you, Madam President, there are exceptions in the law as to who needs to get the training. Would an honorably discharged veteran need to get this training in order to carry a concealed weapon?

SENATOR KAVANAGH: Through you, Madam President, I want to clarify something -- I want to correct something I said before.

There is a requirement not that the training take place every three years, but just to clarify, you do need one -- the bill does

require that one needs to demonstrate proficiency upon renewal of a permit.

In terms of the exemption for people who have been in the military, there is a provision that says if you're honorably discharged within the past 10 years, you do not need to take that -- to do training or demonstrate that proficiency. If your time in the military is more than 10 years ago, then you are treated under this bill like any other applicant.

SENATOR STEC: Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: All right, so I think you were trying to clarify a previous answer, and I was having a hard time hearing you.

There is a proficiency requirement that has to be re-demonstrated every three years?

SENATOR KAVANAGH: Through you,

Madam President, I want to be clear, I was not merely clarifying, I was correcting my prior answer. I had suggested --

SENATOR STEC: (Inaudible.)

SENATOR KAVANAGH: I had suggested that -- I was talking about the training and the proficiency in the same breath before.

One does not need to do the training, the required training again, but one does have to demonstrate the proficiency to renew one's license.

SENATOR STEC: Every three years.

SENATOR KAVANAGH: Every three years.

SENATOR STEC: All right. Thank you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you.

All right. In the previous answer

you said if you've been honorably discharged within the previous 10 years -- so that's in the rearview mirror for me a long time ago -- you would not have to do the proficiency or that part of the training to get the license, correct? The concealed carry.

SENATOR KAVANAGH: Through you, Madam President, the exemption applies to both the classroom, the sort of non-live-fire training and the live-fire training. If you served in the military and you were honorably discharged within the last 10 years, you are exempt from those requirements.

If you served more than 10 years ago, you are treated like any other applicant.

SENATOR STEC: Through you, Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you.

Just as an interesting aside, and not to undermine my own point or argument here, but eight years of active military service, never once fired a small-arm weapon.

So, I mean, like I said, it's a flaw in the law, and I'm of the opinion where maybe this isn't necessary at all. But the assumption that everyone that's been honorably discharged from the service has handled firearms is not an accurate assumption.

SENATOR KAVANAGH: Through you, Madam President, perhaps my colleague and I will join in drafting a bill to limit, limit the exemption for our former military, and we'll get that introduced right away.

(Laughter.)

SENATOR STEC: All right. So Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: All right.

Regarding the timing of this, there are approximately 375,000 existing pistol permit holders. I don't know offhand what the breakdown of that is, restricted, nonrestricted or -- and I'm not asking that.

But what my question is, though, is with that in mind, 375,000 New Yorkers that currently have a pistol permit, certainly hundreds of thousands of which are going to be required to get all this classroom training and every three years demonstrate a proficiency, which isn't currently required here in the State of New York -- nor am I aware of anywhere else in the country -- on average, do you know how long it takes to process and approve a pistol permit in New York?

I mean, I know it varies from jurisdiction to jurisdiction. But do you have a -- can you report what that average might be or those numbers typically are?

SENATOR KAVANAGH: Through you, Madam President, again, I just want to be clear. The figure that my colleague is citing, as he noted, is both for restricted permits and unrestricted permits.

The great majority of permits in New York are restricted permits. And we are not changing the training requirements for restricted permits in this bill.

So there are jurisdictions that restrictive -- had to have training requirements. Those vary from jurisdiction to jurisdiction. And those have been administered by local authorities for a long time and will continue to do so.

What we are doing is adding a training requirement for concealed carry. And the way we handle the implementation of that is if you have a current permit that was issued for five years, it may in fact, as a result of this bill, effectively expire early. So anyone who's holding a permit that either was issued more than three years ago or a permit where the three-year period comes up anytime in the next year after the date this bill takes effect will have until one year of the effective date to get their permit renewed. So no one's permit will be invalidated upon the signing of this law.

SENATOR KAVANAGH: And my colleague reminds me the bill specifically provides that

the state will notify every permit holder of the new requirements and the process.

SENATOR STEC: Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: I appreciate -- and I know we're involved here in the debate, and I appreciate the clarification.

The last question I asked, though, was how long the process, the application and granting process currently is and how long it may be after this law.

I mean, it depends on county to county, but --

SENATOR KAVANAGH: Through you, Madam President, it does vary -- my understanding, and I don't have full -- there are a very wide range of jurisdictions that are issuing these permits. I don't think there's reliable data on how long the process takes in

every jurisdiction.

But it is, in some jurisdictions, time-consuming. And it may be that this bill changes that time frame, but it may make it quicker, it may make it slower.

I mean, again, there's currently -- currently the process involves a subjective determination of whether somebody's assertion of proper cause is accepted by the permitting authority. That process perhaps has been more time-consuming than some of the other things that they might be doing under this bill.

So I don't -- I don't think that we have any clarity on whether this will speed up the process or perhaps, in some jurisdictions, slow it down.

SENATOR STEC: Thank you, Madam President. If the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you.

I'd like to pivot now a little bit to the businesses, the private businesses and the sensitive places, although I'll just -- as we leave the training and the permitting process, it's already, in most people's eyes that have gone through it, an onerous and very lengthy process.

And these new requirements, coupled with the legislation we did at the end of the session involving semiautomatic long guns, is going to do one of two things. It's either going to require a lot more taxpayer investment, or it's going to lengthen that process, both of which are of concern.

But regarding private businesses --

SENATOR KAVANAGH: May I interject --

SENATOR STEC: Yeah, sure. Absolutely.

SENATOR KAVANAGH: Just for a moment.

First of all, just to respond to my colleague's last point, again, we are substituting one process that is perhaps

time-consuming with another process that may be less time-consuming, it may be more time-consuming. But we are not necessarily doing anything in this bill to lengthen that process.

And again, making a subjective determination about whether somebody's assertion of proper cause is a valid one is -- it sounds like it might have been something that was time-consuming in some jurisdictions. So this bill may have the effect of smoothing that process, not making it more onerous.

And to the extent that it is requiring additional time because it requires somebody to ensure that they have proficiency with their firearm, I think that's time well spent.

But my colleague Senator Myrie is going to be handling questions about locations where one can carry.

SENATOR STEC: Fair enough.

Will Senator Myrie please yield?

ACTING PRESIDENT PERSAUD: Senator, do you --

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The

sponsor yields.

SENATOR STEC: Thank you very much.

Good morning, or good afternoon, Senator. How are you?

So private businesses -- and again, I mean, we're here today because of the SCOTUS ruling. I'm just -- I'm concerned that if it starts looking like we're making a really lengthy process, really difficult, really expensive process for people to exercise their Second Amendment rights here in New York, that we may be right back in the front of the Supreme Court.

Maybe some people are comfortable with that. Maybe that's an intended outcome, I don't know. That's a concern.

Regarding private businesses, current law, as I understand it, is -- I know that if you want to go to Yankee Stadium, they're not going to let you in carrying a firearm. That's current law. They're a private business; they can certainly do that.

The legislation prohibits carrying a firearm on the premises of a private business unless the private business -- this

legislation -- unless the private business affirmatively authorizes the carrying of a firearm.

How is that going to work? What is that process going to look like?

SENATOR MYRIE: Through you, Madam President, the bill calls for conspicuous signage.

And the penalties require that if you violated that, that you would have knowingly or should have known that this was the private property owner's wish for you to either affirmatively carry or, if they -- absent signage or any affirmation, that you cannot carry.

That is -- conspicuous signage is throughout our laws here in the state. And so that may look different in different places, but as long as it is a conspicuous message to whomever may enter that property.

SENATOR STEC: Thank you, Senator.

If the sponsor would continue to yield, please.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: All right, so I'll package a couple of short questions together just for conversation's sake.

So we're not necessarily prescribing this is what -- how big the sign is going to be, this font, located here. It's going to kind of be up to the business to determine what is conspicuous. But we're not saying it has to be this size sign, this color print, this size font.

But will there be a registration process for each business, or is it just up to them to put the sign in the window "Firearms are welcome here?" Is there any specific language that has to be included there?

And then -- but again, a specific part of my question would be, are these businesses going to be required to put something on file with some entity of the State of New York saying "I allow guns in my business"?

Are we going to be creating a list of businesses that do and don't have these signs and -- or is it just whatever the, you know, the sign says on the premises? I'm concerned about

that as well.

SENATOR MYRIE: Through you, Madam President. I think in crafting this the goal is to not make the process too onerous for our business owners. I know that is a principle that many of us like to abide by in making sure that our business owners don't have red tape preventing them from being successful business owners.

Here, again, the requirement is that it be conspicuous and that anyone entering that property should have known that this was a welcome zone for concealed-carry weapons.

SENATOR STEC: Through you, Madam President, would the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: As an aside, I'm encouraged by the "Hey, we want less red tape." Remember that, let's put a pin in that and keep that going forward. That's progress, by our

definition.

But the -- just to be clear, then, there's not going to be a list or a registry with the Department of State or Criminal Justice that says these are businesses that are saying they will or won't allow them? One.

And two, why create a presumption against carrying in a private business? Why not allow, as current law is, businesses to affirmatively ban them? Why are we reversing this?

You know, if you have the right to carry, as we did for 100 years, although with a flawed -- according to the Supreme Court, a flawed process there. But otherwise, we had the ability to carry into a business unless the business -- so why are we absolutely reversing that now? It's a presumption that you can't carry. Which, to me, I think kind of goes against the Second Amendment.

SENATOR MYRIE: Through you, Madam President. So a couple of points here. And I'm glad my colleague has raised this.

We know from other jurisdictions that have switched from "shall issue" to "may

issue" that the applications for concealed firearms increase precipitously. In fact, in D.C. when their regime was struck down by the courts, there was a 3,000 percent increase in concealed-carry applications. So we know with certainty that there will be more firearms.

If you're a business owner, the notion that you have control over your own property -- and this applies both to private property and to business owners -- historically we have allowed for there to be a presumption that you can bring a concealed-carry weapon.

But think about it. If you're the business owner, there's going to be a 3,000 percent increase in the amount of people carrying these weapons -- that changes the dynamic on the default on why we should be thinking about being more affirmative in welcoming individuals with concealed carry.

And we're balancing constitutional rights here. Yes, the court has stated that an individual has a right to carry a concealed weapon for self-defense in public, but that right is not unlimited. The court was very clear on that, as was pointed out by my colleague, that we

can place restrictions and limitations on that.

And that's how it works with other constitutional rights. I have a First Amendment right to free speech, but I can't go -- I may like you personally, but I can't go to your house and post signage in your living room and say I'm exercising my First Amendment right. We recognize in the law that there are restrictions.

And that's the same here. The Second Amendment right is not unlimited. And when it meets the property rights of private-property owners, including business owners, that's the balance that we're trying to strike here.

SENATOR STEC: Will he continue to yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thanks.

So regarding private property, you know, we've been talking business and I think we all get our heads around, you know, our own

experiences with going to a sporting arena or whatnot. But certainly you could walk into Walmart right now if you've got a carry concealed permit, and you could be walking around Walmart carrying a weapon. People can debate whether there's -- the pros and cons of that, but that is current law.

What is your understanding of current law right now with regard to me visiting you in your home? I agree with you that I can't go into your living room, even if I'm invited, and put a sign on your lawn. That's not my appropriate use of my First Amendment.

But can I come visit your home right now, today's current law, and I'm carrying concealed? Am I violating any laws by walking -- I may not be polite to walk into your home carrying without your knowledge and permission, but would I be violating the law today in a private residence setting?

I'm taking my kid -- I'm a young mom walking my kid down the street to a birthday party at her friend's house, and I'm carrying because I've got an order of protection against my ex-boyfriend and, you know, my ex-boyfriend's

threatened me, and so I have a carry permit for -- I don't need just cause.

But, you know, I mean -- you know, in this scenario, certainly understandable, a woman's desire to want to be able to protect herself. She walks into that other person's home with her kid for the birthday party. Is she in violation of current law?

And then obviously the next question would be, if this bill becomes law, would she be violating the law?

SENATOR MYRIE: Through you, Madam President. So my understanding is that the default now -- and I think many New Yorkers would be shocked to know this -- but the default now is that an individual can come into your home with a concealed-carry weapon without having to notify you. That is the current law.

So in some of the hypotheticals that you posed, they would not be violative of the law.

We are flipping that default for -- in part because of the reasons that I mentioned earlier. There will be more concealed carry. There will be more firearms in circulation. And

we think it's important that the rights of the property owner be respected and that most people just I don't think would -- most people don't know that the default is that you can bring these concealed carries on their private property.

So we are changing that dynamic. And when this bill is signed into law, a private property owner is going to have to affirmatively say that they are okay with you concealed carrying on their property.

SENATOR STEC: Thank you, Madam President. Will the sponsor continue to yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: Thank you.

So for a private -- just to be clear, for a private residence, then, they need to put a sign in -- a conspicuous sign in their window saying "Firearms are welcome here"? Or what's -- how's that law working there?

SENATOR MYRIE: Through you,

Madam President, there's no signage required for a noncommercial private property owner. They just have to affirmatively express that they are okay with that. So that can take the form of verbal communication.

SENATOR STEC: Thank you.

Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR STEC: What about an apartment complex, duplexes, condos? Right? There's common areas. To get to my apartment door, I have to walk through the lobby and get in an elevator with my neighbors. I'm carrying.

Am I -- am I -- or does that apartment complex have to conspicuously post whether or not -- and then the obvious follow-up question to all of this is going to be if I'm a bad guy and I'm looking to cause mischief for whatever reason -- because I'm a bad person or because I've got a drug habit and I need money or

because I'm a greedy person and I want to take from my neighbors -- isn't it really easy for me as a bad guy to case the neighborhood and look for businesses that say "Guns welcome here"?

And then, in the absence of that, no gun are welcome, that's a gun-free zone. The only people that are going to be carrying in there are going to be other bad guys like me. Aren't we highlighting soft targets by this notification requirement?

SENATOR MYRIE: Through you, Madam President, I won't hypothesize about what someone who is attempting to break the law might or might not be thinking.

But I will say that our ability to designate these sensitive places, areas, or to restrict where concealed-carry weapons can be brought was explicitly granted to us by the Supreme Court in this opinion. And they made pains to communicate that they were not eliminating the Legislature's ability to make these designations.

And we believe that when it comes to property owners and private property owners, that their choice to remain safe should be theirs and

that we should not be interfering in that.

SENATOR STEC: Madam President, on the bill.

ACTING PRESIDENT PERSAUD: Senator Stec on the bill.

SENATOR STEC: Thank you. I'd like to thank Senator Kavanagh and Senator Myrie for their conversation in answering my questions today. I thought it was a very good, constructive, healthy, polite, professional discussion, and I appreciate their thoughts. I disagree with much of this legislation and their viewpoints or concerns, but I appreciate their time.

I think we're setting a really dangerous precedent by heading down the path where we are going to paint properties very publicly for the bad guys to know -- easy mark, hard mark. Soft target, hard target. Place to go make trouble, place where maybe I'm walking into more trouble than I want to bargain for.

Just this week we had a 20-year-old woman on the Upper East Side of Manhattan pushing a stroller, pushing her three-month-old baby in a stroller down a sidewalk. A guy walked up to her

and shot her in the head and killed her.

Does anybody in this room think that that was a lawful gun owner, that that person -- who hasn't been caught yet, but does anyone want to bet against me that that person illegally possessed that firearm? And maybe, if there was somebody on the sidewalk that was a legal carrier, they may have stopped that?

Or what about the woman that goes into Walmart, goes to the dry cleaner's, running their errands and has got that ex-boyfriend out there who's trouble? And there's thousands of people, not just women, thousands of men and women that have orders of protection for themselves because of these kinds of relationships, that have sought carry conceal so that they can keep that weapon in their purse as they go about their business. And they've got to worry: I can't go to that establishment, I can't take my kid to that birthday party, but I can take my kid to that one. I can go to that store, but not that store.

And so she or he is running errands and they've got their carry and -- I can't go there.

So we are diminishing that person's ability to defend themselves, number one, issue number one. Issue number two, we are encouraging and showing the bad guy: Hit this place, because they don't allow guns there.

Reversing the idea that there should be a presumption that it's not allowed is contrary to the Second Amendment. What we had in the current law as to these are places that you can't bring them, but otherwise you can unless they say no, was working. That's not part of the problem.

I understand the argument that we're going to be overrun with a 3,000 percent increase in applications. They can't keep up with the pistol permit process as it is today. And in a good county, it's four months. In a lot of your counties, it's more than 12 months to get a pistol permit. If we're going to double or triple, as you're suggesting, the number of people that are going to be running out to get these licenses, are we going to be doubling and tripling how long it's going to take?

What is the Supreme Court going to say when they see in New York it takes three

years to get a pistol permit in a shall-issue state? I think the Supreme Court is going to look at this legislation and they're going to say, They're trying to do an end run around us. They don't like the outcome, a 6-to-3 ruling on a hundred-year-old law, they don't like the outcome there, and so this is their defiance.

And I hope that they're paying attention, and I hope that they step in immediately and put an end to this nonsense, because all you're doing is making New Yorkers less safe and you are stripping people of their God-given right to defend themselves in public.

I will be opposed.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator O'Mara.

SENATOR O'MARA: Yes, thank you, Madam President. I have a few follow-up questions. And I will certainly try not to be repetitive of the extensive debate that my colleague Senator Stec just provided with us.

And I thank the sponsors of this legislation for their responsiveness to Senator Stec's questions.

I've got a few questions. I think probably initially, at least, it would be Senator Kavanagh's area, I think.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR O'MARA: So whoever would yield with regards to the training requirements.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR KAVANAGH: Yes, Madam President.

SENATOR O'MARA: So there's no -- as I understood it, there's no definition in here or limit on what the cost of the training program would be in any given jurisdiction.

SENATOR KAVANAGH: Through you, Madam President, that is correct.

SENATOR O'MARA: Is there -- is there any --

ACTING PRESIDENT PERSAUD: Senator, are you asking the sponsor to yield?

SENATOR O'MARA: Yes. Through you, Madam President, will the sponsor yield.

ACTING PRESIDENT: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Are you aware, is there any constitutional standard through Supreme Court decisions about placing undue burdens upon an individual to require -- being required to exercise a constitutional right as far as what that cost level should be, or could be?

Is there any cost level that is prohibitive under -- under current law in this --

SENATOR KAVANAGH: Through you, Madam President, that's a very broad question. There are obviously numerous rights that have been found to be protected by the Constitution. And obviously it hypothetically could -- a particular cost or fee could be an undue burden on those.

But that's something that courts would have to examine on a case-by-case basis. For example, you know, poll taxes a number of years ago were found to be a unconstitutional violation of people's right to vote.

In this case, we think we are following the directive of the court to set reasonable standards to make sure that people can use guns safely. And we believe that it's necessary for people, if they're going to carry a gun in public places, to have some training, and so we're requiring that training.

We are also taking steps in this bill to expand the number of trainers. You know, presumably there will be some element of supply and demand in this case. The NRA affiliate in New York has been one of the authorizers of trainers for a long time in New York State. We are adding a provision that will permit DCJS to directly authorize and certify people to do the training in anticipation of there being a greater need for firearms training.

I would note that organizations including the organization that brought this U.S. Supreme Court case do recommend that people have firearms training if they're going to carry a firearm. So we think it's consistent with the norms of our society. We think it's consistent with what the Supreme Court has said. And, you know, I think that determining what the cost is

is going to be a little bit of a function of the market and also a function of how -- what it takes to make somebody proficient.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Is there anything in this legislation that would provide some financial assistance to those of lower means financially to be able to get through this process, to afford to get through this process?

SENATOR KAVANAGH: Through you, Madam President, there is nothing in this bill that provides such financial assistance. I suppose that the state or any locality or, frankly, any private entity, if they chose to, could provide discounts based on need.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to

yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: In any given licensing jurisdiction, who chooses what individuals or entities can provide the training?

SENATOR KAVANAGH: Through you, Madam President, this is not jurisdiction-specific in New York.

There are currently entities that are authorized to certify trainers, including 4-H and the National Rifle Association, and in this bill we are adding a provision that specifically authorizes the DCJS, the state agency, to certify that people are eligible to give this training that would then satisfy the new statutory requirement that people obtain the training.

SENATOR O'MARA: Thank you.

Madam President, if the sponsor would continue to yield.

ACTING PRESIDENT PERSAUD: Does the

sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Sorry, I didn't want to interrupt your -- the -- as far as the training goes, if -- an applicant applying for this, can they choose any trainer that's authorized anywhere in the state or do they have to take it in their home county?

SENATOR KAVANAGH: Through you, Madam President, there's no -- there's nothing in this bill that specifies where one has to take the training, other than to say that one would have to take it from somebody who is certified under law to offer it.

And again, there are training locations throughout the state, many of which are run by the NRA and some of the other gun organizations in this state, and those presumably will continue to be available.

SENATOR O'MARA: Through you, Madam President, if the sponsor will yield.

ACTING PRESIDENT PERSAUD: Does the

sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: So just to be clear, then, you're saying that anybody that's authorized to give the training. But specifically, the NRA is going to continue to be authorized to provide these trainings?

SENATOR KAVANAGH: Through you, Madam President. Under the confines of this bill, yes.

SENATOR O'MARA: Through you, Madam President, if the sponsor will yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Currently there's a required eight-hour hunter safety course for anybody to get a hunting license. Will that eight hours of training be applicable towards the

16 hours of training required?

SENATOR KAVANAGH: Through you, Madam President, there is no -- nothing in the statute that would provide for that.

DCJS does have the authority in this bill to create the curriculum and specify the terms of the training. I suppose theoretically if that training were duplicative of this training or overlapped in some way, there could be some consideration of that, but that would be up to DCJS, which sets the curriculum.

SENATOR O'MARA: Through you, Madam President, if the sponsor will yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: So to follow up on that, could the DCJS, under this law, could they say, Okay, you already got your eight-hour hunter safety course, therefore we've got another eight-hour course to make up the 16 hours, so you've only got to take the additional eight

hours?

SENATOR KAVANAGH: Through you, Madam President, given that the course in question here is for concealed carry of a handgun and that is not something that -- not having taken the DEC hunting training myself or being fully familiar with the curriculum, I would assume that all eight hours of that are not relevant to the question of whether one could carry a concealed handgun in public places. So it seems unlikely you would get one-to-one credit for that.

But I suppose DCJS could consider portions of that curriculum that are relevant to concealed carry, if there are such portions, and give favorable consideration to applicants for that. But that's not really contemplated in this bill.

SENATOR O'MARA: Through you, Madam President, will the sponsor yield?

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The

sponsor yields.

SENATOR O'MARA: Can any of the 16 hours of required training be taken online?

SENATOR KAVANAGH: Through you, Madam President, the training is required to be in-person.

SENATOR O'MARA: Through you, Madam President, if the sponsor will yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: I guess you just stated you don't really know what's in the hunter safety course. But the hunter safety course is available online, and it does concentrate extremely heavily on firearm safety. So why are we requiring 16 hours of in-class training as opposed to online training that is available in so many areas of our life, given the internet and the technology we have?

SENATOR KAVANAGH: Through you, Madam President. Again, I would just emphasize

that we are not altering the training requirements for restricted permits, and I believe that some of that is -- can be done online.

But it is the sense of the Legislature, the drafters of this bill, that in-person training is in some way -- although many things online can be a substitute for being in-person, it's the sense that is conveyed by this bill that being in-person for this very significant permit to carry a handgun concealed in public places, it is -- it will be more effective that that be done in-person.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Is there any discretion in this bill for DCJS to allow a certain portion of those hours to be taken online

but others to be in-person, to reduce that requirement and the burden of the in-class training?

SENATOR KAVANAGH: Through you, Madam President. Again, for -- this bill was written as a joint effort of the Executive and the Legislature and is introduced at the request of the Governor. And I know DCJS had quite a lot of input on this and certainly would have the option of making changes to this as they go forward, if they choose, and perhaps proposing legislation.

There's nothing in this bill that contemplates that 16 hours being done online, again, partly because there is a sense that many of the things one needs to understand thoroughly if one is going to permit carry are better trained in-person. Like, for example, being aware of your situation and, you know, reacting effectively to the many different situations someone might find themselves in if they're carrying a gun, a concealed gun.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: The proficiency level required is going to be set by the Department of Criminal Justice Services, in consultation or working with the State Police, so there's no specific proficiency requirements laid out in this legislation. So that will be a regulatory decision made by the Governor's appointees.

SENATOR KAVANAGH: Through you, Madam President, it will presumably be made in part by the many career professionals that do law enforcement and criminal justice services in our state.

But yes, as with most things that -- where we rely on the expertise of the executive branch, ultimately those people are responsible to the Governor.

SENATOR O'MARA: Through you, Madam President, if the Senator will yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: And the heads of -- the top person at the Division of Criminal Justice Services and the Superintendent of State Police are appointed by the Governor.

SENATOR KAVANAGH: Yes, Madam President, undisputed.

SENATOR O'MARA: And they will have the ultimate decision of what this proficiency level is.

SENATOR KAVANAGH: Madam President, I just would -- I add that, you know, that many of the Governor's appointees, including those, are subject to confirmation by this body.

But yes, those agencies, pursuant to this statute and consistent with this statute, will have the authority to make these technical decisions like defining proficiency for the purposes of this statute.

SENATOR O'MARA: Through you,

Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: So any changes to that proficiency level, once it's set, they don't have to come back to this body, the Legislature, to make changes to that proficiency level.

And I guess my point is every Governor that comes in gets to appoint the heads of these agencies -- the State Police and the Division of Criminal Justice Services -- so that proficiency level may fluctuate up or down depending on the desires of the current executive at the time.

SENATOR KAVANAGH: Through you, Madam President, I assume -- I would assume that the professionals at those agencies, many of whom are career professionals, would consider the many factors that one would want to consider in determining what the level of proficiency is.

It was noted by my colleague that there are standards that apply to police proficiency; presumably, you know, those are relevant. And as we discussed, one might reasonably determine that one does not have to be quite as proficient as a police officer in order to have a concealed carry permit.

But again, those determinations are going to be made by the professionals in the executive branch. And yes, those professionals in our democracy are ultimately responsible to the democratically elected governor of the state.

SENATOR O'MARA: Through you, Madam President, if the Senator will yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: As far as the proficiency training, can an individual in New York purchase a handgun before they get a handgun license?

SENATOR KAVANAGH: Through you,

Madam President, they cannot purchase a handgun for which they are not permitted, they do not have a permit to possess.

But to the extent that one needs to handle a handgun in order to engage in the live-fire training that's now required by this bill, there is a provision that permits the person to handle a handgun in order to do that.

That is something that some of the gun advocacy organizations have discussed with us in the past. This bill would accomplish that so that somebody can do live-fire training with a handgun in their possession.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Can an individual that doesn't have a handgun permit purchase ammunition for a handgun?

SENATOR KAVANAGH: Through you, Madam President, under current law there is no restriction on purchasing ammunition. This bill does have provisions that we have not yet discussed in this session regarding ammunition purchases and particularly implementing, after a long delay and a somewhat colorful story about that delay, the provision -- some provisions regarding ammunition that were in the SAFE Act.

But there is not in New York law any provision that says in order to purchase ammunition one must demonstrate some connection to a permitted gun.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR O'MARA: I believe that's incorrect. And if you're buying ammunition for a handgun, you can and probably should be required

under the law to show your pistol permit with that type of weapon for that caliber ammunition to be able to purchase that ammunition.

SENATOR KAVANAGH: Through you, Madam President, I -- that may be the -- that may be a practice that -- but I am not aware that -- our counsel is reviewing their understanding of the law.

I am not aware that one is prohibited from purchasing ammunition for a gun without showing a permit that would specifically use that ammunition. But it's possible I'm mistaken, and we will -- our counsel is reviewing that question now.

SENATOR O'MARA: We'll move on, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: I guess, you know, my point's on whether you can own a handgun or

purchase ammunition for that handgun before getting that license or permit.

(Pause.)

SENATOR KAVANAGH: Thank you. We can return to the prior question.

There is a provision in New York, I'm informed, that prohibits the sale of ammunition that is specifically designed for a handgun without a permit to own -- to possess the handgun.

SENATOR O'MARA: Thank you for that.

If the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: So then under this proficiency training, an individual is going to be showing their proficiency on a weapon that they don't own, and that individual can then go out and purchase an entirely different --

different style, different size -- handgun and use it without having to be recertified on the gun that they've purchased.

SENATOR KAVANAGH: Through you, Madam President, that is correct. And of course if my colleague wants to propose a more restrictive proficiency provision that we could consider enacting, I'd be happy to discuss that.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: This proficiency level will be required every three years?

SENATOR KAVANAGH: Through you, Madam President, yes.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the

sponsor yield?

SENATOR KAVANAGH: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Who is the responsible entity for providing that live-fire training and proficiency? Is that going to be done by DCJS or the State Police? Or is it going to be done -- can it be done through a group like the NRA or others that are authorized to do this?

SENATOR KAVANAGH: Through you, Madam President. As discussed under current law, there are several entities that are permitted to offer training. They include the NRA and 4-H. And this bill adds DCJS as an entity that can certify trainers.

The training will be required to be done by a curriculum approved by DCJS, in consultation with the State Police. And the -- basically, the result of that training will be a certification that one has completed the training. And in addition, there will be a required certification that one has demonstrated proficiency with the weapon.

SENATOR O'MARA: Through you,

Madam President, if the sponsor will continue to yield, I'll change the topic a little bit.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: So we're attempting under this legislation to try again to implement an ammunition purchase database that was ultimately unsuccessful under the SAFE Act. How do you intend that the state's going to be able to succeed in implementing this this time around?

SENATOR KAVANAGH: Through you, Madam President, there have been varying degrees of effort to implement that provision over the years.

There was at one point a memorandum of understanding between the leader of the party on the other side of the aisle and an official of the executive branch that further steps would not be taken to implement that unless specific provisions were included in the budget to give it

the resources to do it.

But the SAFE Act was a long time ago, and a lot has changed. One thing that is quite relevant to this and is directly related to this in the bill is that we are now, under separate provisions of this bill, making New York what is sometimes called a point-of-contact state for background checks so -- for gun purchases.

We will be basically designating the State Police to be the entity that one contacts when one sells -- one wants to sell a gun in New York that is -- where permits -- where a background check is required. And that the state will then run a NICS check and also consult the many other databases that the State Police have at their disposal to ensure that there is no prohibiting factor that prevents that person from legitimately purchasing a gun.

We are doing that because there's strong evidence that states that do that can -- background checks are more effective and more comprehensive and thus results in lower rates of gun-related death, which of course is one of the goals here.

So -- but in the context of a state

that creates that capacity to do background checks, it should -- the additional step to do background checks on ammunition sales and to create a database for that purpose is not as big a leap as it was when we passed the SAFE Act. And DCJS and the State Police have indicated a capacity to do that, and this bill will result in that provision finally being implemented.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: So this legislation is requiring a background check upon every purchase of ammunition.

SENATOR KAVANAGH: Through you, Madam President, yes.

When the state is ready to do that and the mechanism to do that is in place and it's expected that that would be -- that basically the

bill requires that the state develop the capacity to do background checks, to be a point of contact for the purchase -- for background checks related to the purchase of guns that require -- all of which require a background check in New York. And then shortly thereafter, the ammunition background check provision would go into effect.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: So you won't be able to just go in and -- once you're a permit holder, you won't be able to go in and just present your permit and purchase ammunition. You're still going to have to go through a background check every time you go to the store to purchase ammunition?

SENATOR KAVANAGH: Through you, Madam President, yes.

SENATOR O'MARA: Through you, Madam President, if the Senator will yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Is there a required turnaround time for the review and approval or denial of that ammunition purchase?

SENATOR KAVANAGH: Through you, Madam President, the -- under current procedures, other results of most background checks are instant. They typically are slower when there is some doubt as to whether the identified purchaser is somebody who may be prohibited, and sometimes it does require some additional steps to resolve that.

But in most -- in the great majority of cases a background check is a check against a database and there is clarity on who the purchaser is -- which of course is something that's important when you're doing a background check -- and either the person comes up as

prohibited or they come up as not prohibited. And the background check is instant, virtually instant, and it proceeds.

There's no specified provision in this bill that requires background checks to be done in a -- at a particular speed. But the existing provision -- the existing 30-day provision -- I just want to clarify one thing.

So I just want to make sure, since this is complicated and it does interact with other existing laws -- we have previously in this house passed a bill that allows up to 30 days, 30 calendar days for a background check to be completed. That law is unchanged by this bill. But again, it's quite unusual that that length of time is involved in a background check. And again, it's usually in a circumstance where they're not -- where it requires somebody to review records and determine whether the particular individual that's been identified by the seller is in fact somebody who is prohibited.

And we also expect that there will be personnel available at all reasonable business hours so that a seller who has any concerns, or there's any delay in the process, will be able to

contact somebody and sort that out.

I will note that the state has indicated they're willing to put substantial resources into this, including developing the necessary databases so the process will be as automated as possible, and also to put substantial staff behind this operation, perhaps as many as a hundred full-time equivalents working on background checks in our state.

SENATOR O'MARA: Through you, Madam President, if the Senator will yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: How much -- how much funding is being appropriated in this legislation to carry out all these things you've been talking about?

SENATOR KAVANAGH: Through you, Madam President, the bill memo that accompanies this bill, introduced at the request of the Governor, indicates that the provisions of this

bill can be implemented through existing resources of the Executive.

Obviously we'll have opportunity to review that. There is a prohibition -- there's some provisions that require the Executive to provide data, you know, reporting on certain costs and other provisions. But of course we also have the budget process as an opportunity to review that as well.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Does this background check for ammunition apply to all ammunition or just specific handgun ammunition?

SENATOR KAVANAGH: Through you, Madam President, it applies to all ammunition.

SENATOR O'MARA: Through you, Madam President, if the Senator will yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: So under this scenario that we've set up, even though you say it's going to be very quick turnaround, instantaneous, if you're going in at 6 o'clock the evening before you're going hunting tomorrow because you realize you don't have your shotgun shells and you go to the store and their computer system's down or it's just not responding, then you can't walk out of the store that evening with the ammunition you need for your hunting trip tomorrow morning.

SENATOR KAVANAGH: Through you, Madam President, under current -- it's common practice under the existing background check system that one can do it by telephone as well as online.

So I would assume that retailers who have computer systems going down frequently would probably want to have awareness of other options

for that. And of course computer systems at retailers going down might cause a variety of purchases to be prevented. You know, I'm not sure the government can be in the position of ensuring that all -- you know, if their credit card processing system went down, presumably you wouldn't be able to complete the purchase either.

But again, the goal will be to -- the goal is not to create unreasonable or -- restrictions on people's ability to conclude sales. The goal is to make sure that people who are purchasing guns and ammunition are not prohibited by law from doing so.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: So there's no specific required turnaround time on these. And if the State Police system is down and the store

calls the State Police because their computer's down, the State Police computer's down, then that sale cannot take place until they can get a thumbs up from the State Police. So they can say "Come back in an hour," or they could say "Come back tomorrow." They could say "Come back next week."

SENATOR KAVANAGH: Through you, Madam President, it is true that if the background check cannot be completed because of, you know, technical problems, natural disasters, maybe other things, that the sale can't take place pursuant to a background check.

But presumably there are many ways to ensure that critical systems have redundancies and work well. And I'm sure that DCJS will work diligently to ensure that system is available as needed during business hours.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The

sponsor yields.

SENATOR O'MARA: Well, you know, I certainly hope it works.

Because I can tell you, with the countless thousands of people that waited months and months to get their employment approved during COVID because of the computer system's complete inadequacy and inoperability, that the state and the system can go down. And given the powers that are in control at the time, such as today, they could drag their feet in getting that back up and running again, and therefore delay ammunition purchases and background checks across the state.

SENATOR KAVANAGH: Through you, Madam President. First of all, I shared my colleague's frustrations, as we had an unprecedented global pandemic and a massive new system to provide pandemic unemployment assistance, that the state was slow. And my office and I'm sure my colleague's office processed -- assisted many applicants in processing that and getting that money.

It was -- that processing was done pursuant with a very old existing system, and of

course an entirely new set of pandemic assistance was created with very little prior notice and the existing systems were not able to process that new assistance that the federal government provided.

This system will be -- the existing background check system will continue to be in place until the State Police and DCJS confirm that they are prepared with the systems necessary for them to process these background checks.

They are going to invest substantial resources; I understand that they might be putting as much as $20 million into creating the data systems necessary to do this processing. They will then certify that they're prepared to do background checks.

And again, developing modern systems that are able to do these processes is a recipe generally for having systems that are more capable of processing the kinds of transactions we're talking about here. Unlike the unemployment context that my colleague mentioned, which again was working off a very old system.

I will note that the systems -- that the process NICS in Washington are actually three

separate databases that need to be checked in Washington, and those are done off somewhat old systems. So these will be new, modern systems.

And I don't share my colleague's concern that some bad-faith effort to prevent these agencies from -- the State Police from doing the function authorized by law will be a factor here.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Now, this background check for the purchase of ammunition, will that be required on an out-of-state individual here on a hunting trip, or for whatever purpose, trying to buy ammunition in this state from an out-of-stater, somebody from Pennsylvania or somebody from Ohio?

SENATOR KAVANAGH: Through you,

Madam President, yes, the background checks will be required for any purchaser of ammunition.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Are there any preclusions in this bill that limit an individual from bringing ammunition in from out of state?

SENATOR KAVANAGH: Through you, Madam President, there is nothing in this bill that relates to that.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The

sponsor yields.

SENATOR O'MARA: Is there anything in this bill that would prevent a New Yorker from going across the border into Pennsylvania or Connecticut or Massachusetts, purchasing ammunition without the background check, and bringing it back into New York State?

SENATOR KAVANAGH: Through you, Madam President, there is nothing in this bill that would relate to that.

Of course people will have to comply with the laws in the jurisdictions in which they're purchasing ammunition.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Moving on quickly to the revision to the body armor section here, that was a change required because the initial

bill that was rushed through didn't actually apply to the type of body armor that the shooter in the Buffalo Tops supermarket was wearing?

SENATOR KAVANAGH: Through you, Madam President, what we did in the previous bill is basically take the existing definition in law of body vests and said that those items, which are already restricted in certain ways, are now subject to the sale and purchase restrictions in this bill.

There is some difference of opinion of the extent to which so-called hard armor might have been banned, again, from sale or purchase, but I would -- as we noted last time we discussed this, this is not about -- this is not a ban on possession of those items, it is a ban on the sale or purchase of those items in New York State.

But yes, we are today changing the state's definition, the underlying definition of body vests to a broader definition of body armor, and we are prohibiting the sale or purchase of those items in the state.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to

yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: This bill still does not prohibit the possession of this type of body armor. So similar to the ammunition scenario I went through, a New Yorker can go across state lines, buy what they can't buy in New York State, and bring it back into New York State with them.

SENATOR KAVANAGH: Through you, Madam President, that is correct.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Do you know,

Senator, how close the -- the shooter in Buffalo, how close he lived to the nearest gun store in Pennsylvania?

SENATOR KAVANAGH: Through you, Madam President, no.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Through you, Madam President, yes.

I would actually -- just to amend my last answer, I do know that the purchaser was able to go across state lines and purchase an ammunition magazine that would have been illegal to purchase in New York. But proximity to a particular store is not something I'm familiar with.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: The shooter lived, according to Google Maps, about 6.7 miles, an 11-minute drive, to a close store in Pennsylvania that certainly would have been accessible to him.

Even though he didn't use that store -- he used one in New York -- but he certainly could have done that.

So this -- really we're talking about doing things here that really do nothing.

SENATOR KAVANAGH: Through you, Madam President, it is a shame that the -- that one of our two national parties has vigorously worked to prevent either the federal government or most state legislatures from taking very reasonable steps that are broadly popular to prevent gun violence. This is one of the reasons that our country has a gun violence problem, an enormous gun-related-death rate that is almost unique in the world.

We as the State Legislature of New York of course have an opportunity to take the steps that we can take to protect New Yorkers. It has been demonstrated repeatedly that states that take proactive steps to make their gun laws safe do in fact reduce the rate of gun-related death in their own state and often in neighboring states.

But having said that, it is -- I will stipulate that we don't have the capacity to

solve this problem entirely without national action or state-by-state action that also would be helpful. And I've spent some of my own time advocating for those things as well.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Moving on again quickly to the background check and the application process, particularly with regards to social media accounts. Is that still you, Senator Kavanagh, or is that on --

SENATOR KAVANAGH: (Inaudible affirmative.)

SENATOR O'MARA: So it's -- we're requiring the applicant to provide their past three years of social media accounts.

Is that applicant required to supply the passwords to those accounts?

SENATOR KAVANAGH: No.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: We set up, in this legislation, an appeals process for denial of an application.

SENATOR KAVANAGH: Through you, Madam President, yes. We have an appeals process for denial of an initial application, for denial of a renewal application, or for revocation of a permit.

SENATOR O'MARA: Through you, Mr. President -- Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Now, the hearing appeals board is to be created by -- again, by the Division of Criminal Justice Services and the State Police, is that correct?

SENATOR KAVANAGH: Yes.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: What is the standard of review for this appellate board in determining whether to overturn a denial?

SENATOR KAVANAGH: Through you, Madam President, the bill does not specify a standard of review.

It does indicate that the applicant may present evidence setting forth the reasons.

First of all, as I noted before, it requires for the first time a written explanation for why there was a denial, and then it provides the applicant or the permit holder who has now

had their application denied or their permit revoked the opportunity to present evidence to the contrary and to be represented by counsel in that process.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The Senator yields.

SENATOR O'MARA: Again, we're not setting forth any criteria or standard of review of the denial of the application, and this is an appeals board set up and conducting its operations by appointees of the Governor that can change from year to year or administration to administration. So that can be a moving target, so to speak, as far as what you have to establish as an applicant who's been denied, what you have to establish in front of this board. There's no standard of -- threshold of what they can consider, not consider, or the basis for their

denial.

SENATOR KAVANAGH: Through you, Madam President, there is -- the bill is very specific as to what the permit -- permitting authorities, what factors they consider in whether to grant a permit, whether to revoke a permit, and whether to renew a permit. And those factors presumably -- now, for the first time, there is a formal body with expertise in that that can review that decision.

It is true, just like the parking violations bureau and numerous other bureaus, that the employees of these entities will be employees of the executive branch. And yes, the Governor is ultimately responsible for the executive branch.

But under current law, the recourse that somebody who has a permit application disapproved is to go through an Article 78 proceeding. It is anticipated and intended that this process will be more easily accessible by applicants, and this is a provision that is intended to reflect the fact that we'd like to see -- we'd like to ensure that people have due process if their application is being denied or

their permit is being revoked.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: What is the process for an applicant that is denied on appeal before this appeals board? What is their next step?

SENATOR KAVANAGH: Through you, Madam President, I assume at that point, as they have under current law -- you know, Article 78 is a very broad provision of law. I assume that they would have the same recourse to appeal that decision to the judiciary that people can do in numerous other -- in numerous other decisions of executive bodies.

The bill is -- the bill does not have any -- is not specific as to that.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes, Madam President.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: You got into the necessity of this legislation being done today on a bill that was submitted in the wee hours of this morning, a rough draft of which, granted, our staff got late last evening, so a few hours before the public actually got the final version -- or we got the final version, for that matter -- to review.

Again, what is the necessity of waiving the three-day constitutional waiting period to approve a bill in the Legislature? Why are we doing this today on less than 12 hours of having this bill in our hands and having no opportunity for the public to weigh in on this?

SENATOR KAVANAGH: Through you, Madam President. You know, I have often found myself, you know, advocating for greater transparency and more thorough processes here. You know, I share -- if my colleague is

expressing frustration with that, I share it.

I do know that the Minority had the opportunity to conference this last night, and certainly their preparation for today's debate has been amply demonstrated by the questioning here.

But, you know, the -- both the three-day waiting -- the three-day aging provision and the provision that permits that to be waived pursuant to a message of necessity are both constitutional provisions. What we're doing today is constitutional pursuant to the Constitution. And it is the belief of this -- of the Governor, who sent us a message of necessity, and of this body that this is a critical and timely issue that, given that the Supreme Court has struck down a key provision of an important body of law that allows people to exercise their constitutional right, we think it is important that we promptly address that, and so we're addressing it here in this room today.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Will the

sponsor yield?

SENATOR KAVANAGH: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Given this urgency based on the Supreme Court decision, and the need to do this on 12 hours or less notice, it's fine that we got it -- and we have attorneys to review this and get a chance to pick up some points to debate on. But the public didn't see it. Second Amendment-concerned individuals haven't had a chance to weigh in on this.

What was -- what's of such an urgent necessity to do this on 12 hours notice when the bill doesn't take effect until September first?

SENATOR KAVANAGH: Through you, Madam President, I'll speak for myself. You know, I'm not the issuer of the message of necessity. But from my perspective, there are changes in this law that permit applicants, that permit holders should be aware of before they take effect.

So on the one hand there is a desire to move quickly to clarify our law pursuant to what the Supreme Court said; on the other hand

there's an urgency that we articulate these standards so that people who will be affected by them have ample notice before these standards take effect.

And again, we put provisions in this bill that will have permit holders be formally notified of the changes so that our gun-owning community and people who might be seeking a permit in the future have ample notice of what the process is.

SENATOR O'MARA: Thank you.

Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR KAVANAGH: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: I want to thank you for your responsiveness on these questions.

You know, we often hear in this body -- and you used to do it when you were in the minority. We're doing it now in the minority. That's the way it's been done.

Two wrongs don't make a right. And

sooner or later around here we've got to do things the right way --

ACTING PRESIDENT PERSAUD: Senator O'Mara, are you on the bill?

SENATOR O'MARA: I'll be on the bill.

ACTING PRESIDENT PERSAUD: So you're on the bill now.

SENATOR O'MARA: Yeah, I'll be on the bill, yup. Yes. Thank you.

ACTING PRESIDENT PERSAUD: Senator O'Mara on the bill.

SENATOR O'MARA: So you can sit down, Senator.

(Laughter.)

SENATOR KAVANAGH: Through you, Madam President, I was looking forward to responding to the soliloquy, but I'm also happy to sit down.

(Laughter.)

SENATOR O'MARA: Yeah. Yeah. I was getting to a question, but apparently took the long way around for Madam President.

So we're running short on time, and I know Senator Lanza wants to get in a few

minutes in here.

But, you know, sooner or later we've got to stop using the excuse around here that that's -- because that's the way you did it, that's the way it's been done before. And just because the Governor issues a message of necessity on something that's been in print for 12 hours doesn't mean this body has to accept it.

And we should take the constitutionally required waiting period, aging period for a bill, on something of this magnitude dealing with a solid constitutional right before taking action on it. Our citizens, our constituents should have the opportunity to weigh in on the details of the various aspects of this very broad and encompassing bill.

This is a completely inappropriate process. There is no necessity that we couldn't wait two more days, 60 more hours for something that's not taking effect till September 1st. There's just no rational explanation for not waiting the three days.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Senator Lanza on the bill.

SENATOR LANZA: Madam President, on the bill.

I had a number of questions. I want to thank my colleagues for the exchange; it has been informative. I had a number of questions. I will not have time to do that. Although the Governor thinks so little of people that yesterday she thought that we all had 12 or 14 hours just to sit around and do nothing while she was not doing her job.

But nevertheless, rather than going to a question -- debate session, I'm just going to speak on the bill.

So, you know, a little background here. What happened in the Bruen case? The Supreme Court of the United States ruled -- rightly so, in my opinion -- that for years the State of New York has been violating the Constitution.

Now, we say that. It's a legal way of expressing what happened. But in real terms, what does that mean? It means that New York has been denying people their constitutionally guaranteed liberty and freedom. That's what

New York has been doing.

And we all know that that has been what New York has been doing. People have touted the old law as being a good law. What the Supreme Court rightly said was -- is that the standard in New York was so arbitrary, so capricious -- and I believe even worse than that Madam President -- that people's rights were being denied at the whims of the people who were in charge, who were in charge with deciding whether or not someone has cause -- and in New York that meant special need -- to have the right to defend themselves.

So in practice, how did that go down? Well, you know, the Supreme Court said it was arbitrary and capricious. I say at best that's what has been what is happening. I think at worst it has been outright disregard for freedom, a distrust of people -- which you always see from the tyrants, from the people in good government. They don't trust the people. People aren't smart enough to be free. They're not capable of having and possessing liberty.

And at worst, I think there was a racist element. And the facts bear that out. Do

you know that a black man in New York City is a hundred times more likely of not being able to have the right to defend themselves in the State of New York than a white man upstate? No one can deny that, because those are the facts.

And the Supreme Court said enough with the State of New York deciding arbitrarily and discriminatorily who has the right to defend their lives. And so it was struck down.

So what do we have in its place here being proposed? Let me explain to the people back home what's really happening here. So I know people think they're cute, the Governor thinks this is funny. In fact I think the Governor just thinks this is that she needs to do to get elected. This is not what is needed to be done to protect people.

What is proposed here -- you know, when you violate the Constitution, you know, it's either a hundred percent violation or not. But this is more violative, this is more unconstitutional, in every shape and form, than what was just struck down. And guess what? I know it's a little -- people, when you say that around here, they wink at you and say, Yeah, we

know. Yeah, exactly. That's the point. That's the point.

The Governor thinks that's the point. She thinks it's all right to tell New Yorkers that the Constitution does not apply to you, that you're not worthy of being able to protect your life. So we have this not-so-cute attempt to go beyond what has just been struck down.

So under the prior construct, you needed proper cause, special need. Translation: We'll decide if and when and who is worthy. That's being replaced with good moral character.

As I think was demonstrated on the floor here, good moral character is in the eye of the beholder. It's not defined. I think honest people can come to some sort of agreement with respect to what it should mean. But it is in the eye of the beholder. Translation: Arbitrary, capricious. The same people who have been acting in a racist way, in a discriminatory way, in an oppressive and a tyrannical way, will have the same out. They'll have the same ability to do that.

And it gets worse from there.

Because there will be a number of ways, a number of provisions in this legislation that those same people will have a place to hang their hat and deny somebody the right to exercise their liberty and their right to protect their lives, just because they feel like it.

I don't think you're a person of good moral character. Sorry, it's just how I feel. It might be because of the way you look. It might be because of your skin color, your race, your gender, your creed, your religious beliefs. You're not of good moral character. In fact, we hear that in America all the time: That person is a -- believes this. That person is a Catholic. There are people out there, I see them on the news: I don't believe Catholics are of good moral character. How could you be?

So this is more violative of the Constitution and gives tyrants more opportunity to say no.

What is another way they can do that? Training. We heard, in Manhattan there may not be a place to get that training. In fact, if you live in the inner city, maybe the nearest place to get training is a hundred miles

away. Is that an unconstitutional barrier? I say yes. And it's going to happen.

Cost. Is the state going to cover the cost for a low-income person who wants nothing more than to share in the American dream and say, I'm just as free as everyone else, my life is worth as much as everyone else's? Is the state going to cover the cost? Or is one life worth more than another?

If a person has to travel a hundred miles to go to a range -- we're talking about proficiency. I don't know, are there any ranges in Manhattan open to the public? The Bronx, are there? Do there have to be? I'm getting a yes. I heard no. But if there aren't, what about that low-income person? Does that mean they don't have the same right as someone who can afford to go to the range, who can afford to travel for training?

Proficiency. It's been said on the floor we don't know yet exactly what that means. I mean, that's a pretty important point. That's another place that is going to be used to tell people: Sorry, you don't have the right to protect your life. Are you going to have to

become a marksman or a markswoman to be able to exercise your rights under this legislation?

When you live in a state where people giggle about the fact that they know that their ultimate goal is preventing people from exercising their Second Amendment right, then I've been here long enough to know that there are going to be people, as they promulgate these rules, that are going to try to do just that. They'll be laughing somewhere in an office in this building, saying, Hey -- I think it was Senator Stec, yeah -- let's define proficiency as, you know, hitting a one-inch target at 400 yards. That'll get them. It's unconstitutional. But it will happen here, I promise you.

Under the old construct, what the court found to be unconstitutional was that people who otherwise should have been able to exercise their Second Amendment right, their right to defend their lives, were being denied that right. That's what they found to be unconstitutional.

The insidious nature of this legislation goes one step further. It acts as

though more people will have the ability to access the right to carry a gun and protect their lives. It acts as though that's what's happening here. But in the next sentence, it conveniently, in many respects, eliminates the concealed carry permit in the State of New York.

Now, what do I mean by that? So before, some people were allowed to carry; other people weren't. But if you had a concealed carry permit and you have one now, it's really a concealed carry permit. You can carry it about the state and protect your life.

So the evil of the old construct was some people can carry, others can't, willy-nilly. The evil in this legislation is there really is no such thing as a carry permit. The sensitive places, the places you cannot carry under this legislation, the sensitive places are New York State.

It's a big laugh. It's a big joke. Talked to some people this morning and they said: Yeah, exactly, that's exactly what we believe should happen.

The sensitive place is New York. So yeah, maybe a few more people -- maybe. I doubt

it. Because there are so many ways, more under this legislation, that people can be arbitrarily denied. But a few more people might be able to exercise their right and receive a carry permit, but none of them will have any meaning, because you can't carry them just about anywhere in New York. Especially the last one -- "Gathering of individuals to collectively express their constitutional rights to protest or assemble." Who defines what that is, when that's happening, where it's happening?

Arbitrary, capricious, discriminatory, all with one intent. And now we're going to let the pizzeria owner decide whether or not I can exercise my constitutional right.

And someone asked, Why would you switch the burden and make the business have to affirmatively say "you're welcome here"? We all know why that is. It's a scarlet letter. That's what it's about. It's a scarlet letter. We know in this state anyone who does business with a gun manufacturer or ammunition manufacturer, they're targeted by this state, by this government. You think businesses are going to want to put that

scarlet letter on their storefront? They know they're going to be targeted, and so they won't.

And again, no one's being fooled here. That's the point. And that's what's happening here. Oh, but you can carry. But if you run into that pizzeria, you've got to leave the gun in the car. That sounds safe, Madam President. It sounds really safe. The state has said, Hey, you're of good moral character, you're proficient, you're well trained, here you are. We trust you to protect your life. We trust you to carry. But wait a minute. If you're going to go into the pizzeria, leave your gun in the car. I have a word for that but I won't use it here.

I'm going to end on the process, Madam President. I'm going to end on the process. I'm going to say something I think a lot of people are thinking, both sides of the aisle. The Governor of the State of New York, before her primary, decided to look tough on crime -- and is anything but -- and declared an extraordinary session. Extraordinary. Important. Urgent. Necessary.

Dragged us up here. That's okay,

it's our job. Dragged us up here, and when we got here, did not have a bill, did not have a bill to give the Legislature. I have a word for that too, but I'll just say the people deserve better than that. The people deserve better than that.

And I know there's going to be a bill signing and the Governor is going to tell the people of New York that all is well now, I've protected you. Protected you. Imagine. This is the deceit that occurs here. I've just protected you by taking away a little bit more of your freedom. I've protected you because I know better. I know better than you. I'm protecting you by making New York State less safe.

That is the lie that the people of the State of New York are going to be told. Because when people are less safe, when people have less freedom, then everyone -- everyone, all of us -- are in greater danger.

And here's the truth. When the Governor tells the people of the State of New York that they are now, because of this legislation, more safe, the truth of the matter is they will be less safe. And when they wake up

tomorrow, here are the facts. If you're concerned about public safety. If you're concerned about the well-being of the people of the State of New York.

If you want to call an extraordinary session, if you want to call an emergency session, call it. We'll be here. But please, call it because you want to do something about $5 a gallon gas. Call it because you want to do something about the out-of-control crime marching through the state. Call it, Governor Hochul, bring us back -- bring us back because you want to do something about the fact that New Yorkers are dropping dead every day from fentanyl overdoses that are being brought -- that are being put into the stream of commerce by the Communist Chinese Party coming through our open border in the southern border of Mexico and then being welcome, virtually welcome here in New York. Because if you didn't want the fentanyl to be here, you're doing a really piss-poor job of doing something about it, because New Yorkers are dying every day.

So go ahead, Governor Hochul, show that you really care about New Yorkers. Show

that you really want to do something about the things that are really affecting New Yorkers. Call an emergency session. Deal with the crime, the inflation, the $5 gas. The fact that people, normal people right now are trying to figure out how they're going to buy food for their 4th of July barbecue on Monday. Because it's either too expensive or not on the shelves. You care about the people? Call us back, do something about that.

This is a disgrace. See you in the courts. You all know this is unconstitutional. You all know this is just a ruse, this is just another attempt to say to the people of the State of New York, We don't trust you. Governor Hochul doesn't trust the people. They're not worthy to protect themselves. And they're not worthy of affording themselves of the rights that they are supposed to be guaranteed under the Constitution of the United States.

Madam President, when it comes time to vote, I'll be voting in the negative.

ACTING PRESIDENT PERSAUD: Thank you, Senator.

Are there any other Senators wishing

to be heard?

I just want to remind you, Senator O'Mara, that you are over the two-hour time limit for debate. So --

SENATOR O'MARA: You're going to deny me the ability to ask a follow-up question?

ACTING PRESIDENT PERSAUD: No, I'm not. I'm explaining to you that the two-hour limit has been met. If you ask a question quickly, we'll allow you to do so.

SENATOR O'MARA: I have a question.

ACTING PRESIDENT PERSAUD: Okay. Will the sponsor yield?

SENATOR O'MARA: And it has to do with the restricted spaces. So that's you, maybe, Senator --

SENATOR KENNEDY: Madam President, to your point, the Senate clock has run out on debate. With unanimous consent, we -- and the consent of our colleagues here to hear a question or two more, we will allow the time to proceed.

ACTING PRESIDENT PERSAUD: Thank you.

Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor will yield.

SENATOR O'MARA: Thank you.

Just, you know, sitting here reading through the bill again, finding more questions. That's why I didn't get to them the first time, since we've had this for less than 12 hours now. So there's going to be a lot of other issues that we're not aware of.

But in the restricted, sensitive locations here, it's listed "public parks." You have a definition of public parks?

SENATOR MYRIE: There is -- excuse me. Through you, Madam President, there is no definition of "public parks" in the bill, but the plain reading of the statute I think is pretty clear. And it also matches other states' restrictions on concealed-carry weapons in parks.

SENATOR O'MARA: Through you, Madam President, if the sponsor will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The

sponsor yields.

SENATOR O'MARA: Is a sensitive area the Adirondack Park?

SENATOR MYRIE: Through you, Madam President, the parts of the Adirondack Park that are public would fall under the sensitive-location criteria laid out here. But there are parts of that park, as you know, that are not public, that's private property, and so this pertains to the public portions of that park.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: So there are trails in the Adirondacks, and campgrounds, some of which are on private lands and some of which are on public lands. Is it up to the hiker to know that they can't carry their handgun with them for protection to certain campgrounds or on

certain trails or portions of trails?

SENATOR MYRIE: Through you, Madam President. I think what my colleague -- the problem he's trying to elucidate is particularly in the hunting context, where you are moving from private to public land and you don't want to have to dismount at each change of public and private.

But that's something that we recognize. In the statute we've built in an exception for those who are legally hunting, so that they don't have to go through that problem and that process.

SENATOR O'MARA: Through you, Madam President, will the Senator continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: I'm aware of the hunting exception, and that's not what I'm asking about.

Can an individual go hiking in the

Adirondacks and carry their concealed handgun with them?

SENATOR MYRIE: No. Under current law, they can't do that.

Through you, Madam President, I'm sorry.

SENATOR O'MARA: Through you, Madam President, will the sponsor continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Can an individual take their handgun with them on a camping trip in a state campground?

SENATOR MYRIE: Through you, Madam President, they can't under current law and wouldn't be able to do so under this law.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Will the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Will a private campground have to conspicuously post authority to carry your concealed weapon while camping on the private campground?

SENATOR MYRIE: Through you, Madam President, that is one of the ways that they could communicate that.

They can also affirmatively express to individuals wishing to go on their campgrounds.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: With regards to the business allowing and letting their customers know that they're welcome to bring their handgun in, can a business choose to say, I'm going to

let my employees carry but no customers coming in can carry?

SENATOR MYRIE: Through you, Madam President. Yes, those decisions are left to the private property owner.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: So then it's up to the business owner to pick and choose who can come in with a concealed handgun so he can say certain people can come in with a handgun but other people cannot.

SENATOR MYRIE: Through you, Madam President. If the private property owner wishes to grant access to their property to individuals, whether they work for the business owner or not, they have the ability to do so.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to

yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR O'MARA: So just so I'm clear, then, a business owner can give individual permission to certain customers but not to others.

SENATOR MYRIE: Through you, Madam President, from what I'm hearing in this question, just to be clear, discrimination laws would still apply. This doesn't touch that at all.

But the basic premise of the owner allowing concealed-carry weapons and doing so in an affirmative way would still stand.

SENATOR O'MARA: Through you, Madam President, if the Senator will continue to yield.

ACTING PRESIDENT PERSAUD: Does the sponsor yield?

SENATOR MYRIE: Yes.

ACTING PRESIDENT PERSAUD: The sponsor yields.

SENATOR O'MARA: Now, I'm not implying a discriminatory basis for picking and choosing. But so the owner could say: You're a

regular customer, I know you, you can carry in here. But somebody that's not a regular consumer or the owner doesn't know, the owner can say, No, you can't bring your handgun in here.

SENATOR MYRIE: Through you, Madam President, I just want to be clear. You're referencing a business owner, in which instance they would have to put signage up.

And if the signage indicates that any individual -- if the signage indicates that concealed-carry weapons are welcome, I think it would be challenging to then pick and choose who would then have that right to do so. And I suspect you'd have to take the sign down and put it back up. And, you know, I think that creates its own set of problems.

And so the requirement for the business owner is a little distinct than that of a nonbusiness private property owner.

SENATOR O'MARA: Thank you.

ACTING PRESIDENT PERSAUD: Thank you.

The debate is now closed.

The Secretary will ring the bell.

Read the last section.

THE SECRETARY: Section 26. This act shall take effect on the first of September.

ACTING PRESIDENT PERSAUD: Senator Harckham to explain his vote.

SENATOR HARCKHAM: Thank you, Madam President.

I want to thank colleagues for being here and their work the last 24 hours, and Senator Myrie and Senator Kavanagh for their work on the floor here today.

This bill is about addressing the Supreme Court decision, and it's not about a lot of the things we've heard today. We heard a hostile amendment that this should somehow be a crime bill. We've heard that this bill is sort of restricting the good-guy-with-a-gun scenario, because that consistently feeds into the narrative of crime.

What you don't hear, for instance, is that in my district crime is down, because it doesn't fit into some people's narrative. We'll say that again. In my district, crime is down.

So what we're here to do is we're not here to restrict the rights of legal gun owners. In fact, that's what the courts ruled

that we were doing. But on the other hand, as we had heard from one of our colleagues, this notion of freedom where absolutely everybody in New York who wants to have a concealed-carry weapon should have one, to me is not realistic. It's not prudent.

So what this legislation does, in a very responsible way, is that it requires knowledge, it requires proficiency, and it requires some sort of personality that comports with the responsibility and the awesome responsibility of carrying a weapon that could end someone's life. And that's what we have done here today.

And in the four years that I've been here and the four years that we have been in the majority, I think we have managed the balance between the Second Amendment and commonsense gun safety in a very responsible way.

And so I want to thank colleagues for their work on this bill. I want to thank the Majority Leader for bringing this bill to the floor. And for all of those reasons, I will be voting in the affirmative.

Thank you.

ACTING PRESIDENT PERSAUD: The Secretary will call the roll before the next Senator.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Jackson to explain his vote.

SENATOR JACKSON: Thank you, Madam President.

I stand to explain my vote on S51001, put forward by our Majority Leader, Andrea Stewart-Cousins, the Concealed Carry Improvement Act.

The New York State Legislature has gathered in Albany for an extraordinary session to counter the recent unsettling ruling by the U.S. Supreme Court overturning New York's concealed-carry law.

The bill we are voting on will enhance the application process and background checks for gun permits, expand safe storage of guns, follow through on the creation of a state ammunition database, and outline sensitive locations where you should never have a weapon, under criminal penalty of law.

The Supreme Court's poor reasoning

cherry-picked historical analysis to strike down gun laws that make our communities safe, saying that New York law is not part of the, quote, nation's historical tradition of firearm regulations.

The 111-year-old law is part of New York's tradition of firearm regulation. Unlike the court, we know that laws are not made to implement in a vacuum and understand how laws impact communities living in the present, not the past.

The Supreme Court's actions send a message that our rights to public safety, love and health are not protected from antiquated, draconian ideas that dominate our highest court, including reproductive rights, Miranda rights, Native American tribal sovereignty, and environmental protections.

We are called to seal and protect New Yorkers from the conservative rulings by the U.S. Supreme Court. The struggle to protect New Yorkers continues. Madam President, I proudly vote aye.

ACTING PRESIDENT PERSAUD: Senator Jackson to be recorded in the affirmative.

Senator Hoylman to explain his vote.

SENATOR HOYLMAN: Thank you, Madam President.

I rise to thank my colleagues for this debate as well as helping craft this legislation.

I also want to thank Governor Hochul for acting so decisively, after the Bruen decision came down, to protect our communities.

You know, it was just a couple of days ago in Manhattan where a young woman, Madam President, a young woman was pushing her baby. She herself was only 20 -- she was a baby too -- and she was shot, cold-blooded, on the streets of the Upper East Side.

We have to address this scourge of gun violence. And for the United States Supreme Court to send down this decision to New York, at this time when illegal guns have been flooding our streets and gun violence is at an all-time high, is absolutely despicable.

So I consider today to be a return favor to the United States Supreme Court for what they have attempted to do to New York State's concealed-carry law. The Empire State strikes

back today, Madam President, in making certain that our streets are safer, that illegal guns are removed, and that individuals who visit parts of Manhattan in my district, including Times Square, can do so with the assurance that they'll be safe.

I vote aye.

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

Also Senator Harckham to be recorded in the affirmative.

Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Madam President.

First let me start by thanking Majority Leader Andrea Stewart-Cousins for her diligence in bringing this legislation to the floor today, along with the Equal Rights Amendment that we voted on earlier.

I want to thank my colleagues for their diligence and their efforts over many days, many hours, in putting this legislation together, and of course the staff.

And I want to recognize Governor Hochul for her commitment in working as

expeditiously as possible to respond to a Supreme Court decision that's going to put people in New York State in harm's way, from a position of repealing a law here in the land over a hundred years old that's going to put more firearms on the streets, that undoubtedly will put more people in harm's way and I believe will take more lives, as well as repealing a decision on human rights that will put women in harm's way and that will remove the ability in many states across the land for a woman to make her own healthcare decisions and get an abortion.

While the rest of the country under the Supreme Court's decisions is moving backwards, New York State is moving forward today. And I'm proud to be a member of this body in this state as we're showing the rest of the nation the way forward while our Supreme Court rolls back the rights of our citizens in this great United States of America.

In the wake of the mass shooting in Buffalo, families, including the family of my own staffer Zeneta Everhart, have been fighting to strengthen gun laws in this nation. I was with Zeneta just a few weeks ago as she testified

before Congress. And now Congress is moving for the first time in 40 years on legislation, in a bipartisan fashion, that will strengthen gun laws, while at the same time the Supreme Court of the United States is going backwards.

New York State is doing the right thing today and making the right decision today. I've said it before and I'll say it again. Our nation has a gun problem, and now our nation has a human rights problem. New York is strengthening the safety of New Yorkers, and we're strengthening the human rights of New Yorkers as well.

And I believe because of the work here that we're doing today, that our residents and those states' residents who follow New York's lead will be safer and we will act as that beacon of hope and light that we can all be proud of.

With that, Madam President, I vote aye.

ACTING PRESIDENT PERSAUD: Senator Kennedy to be recorded in the affirmative.

Senator Gaughran to explain his vote.

SENATOR GAUGHRAN: Thank you,

Madam President.

I too want to thank Governor Hochul for her leadership, bringing us here and working with this Legislature to make this bill a bill that is going to make sure that we are saving the lives of New Yorkers.

And of course I want to thank our great leader, Andrea Stewart-Cousins, for all that she does and also for being the sponsor of this important bill, and my distinguished colleagues Senator Kavanagh and Senator Myrie, for the great job they did in representing all of us.

You know, we heard a lot today about burdens. Burdens. It's a burden to have to obtain a concealed-carry permit pursuant to new rules that, as my colleagues pointed out, are rules that were suggested by the United States Supreme Court. It's a burden to have to take 16 hours out of your life to make sure you have the proper training to carry and have a concealed-carry permit. It's a burden to make sure every three years you can prove that you have the proficiency to have a gun. And it's perhaps a burden because maybe some jurisdictions

are going to take another week or maybe even a month to make sure that a concealed-carry permit is not given to somebody that's going to use that weapon to harm themselves or to harm others. A burden.

I would suggest it's not a burden but maybe an inconvenience to some. And you know, for most law-abiding New Yorkers who have gun permits, they welcome this process. They want the scrutiny. They want to live in a safe state. A burden.

But you know what? Some folks have a lifelong burden, and it's created when they face gun violence in their family. A lifelong burden is created for a young mom or a young dad who now has to raise two kids because of senseless gun violence and has to raise them all on their own.

Families who lose loved ones to gun violence, they face the burden every single day of their life that they had this tragedy. And they always try to make sense of it, and they never can. And these families every day summon courage, courage to continue, and they do.

So I would suggest to my Republican

colleagues, show just a little bit of courage. You know, the same amount of courage that 15 Republican United States Senators recently showed us in Washington, D.C., when, as Senator Kennedy said, for the first time in decades they passed a sensible law to protect us from gun violence.

Madam President, I vote in the affirmative.

ACTING PRESIDENT PERSAUD: Senator Gaughran to be recorded in the affirmative.

Senator Cleare to explain her vote.

SENATOR CLEARE: Thank you, Madam President.

I could not sit here and be silent after today. I just want to thank my conference. I want to thank the leader, Senator Myrie, Senator Kavanagh for this extensive response and debate on this very important bill that we have here before us today.

There are far too many guns in the wrong hands in our communities and in our districts. Just this week alone, I had to attend services for a bright and burgeoning young man, 21 years old, home just for the summer break --

should have been back in college this week. Twenty-one years old, "Athlete of the Year" in his school. From our community, great potential. Life lost in a hail of bullets in an incident in which he and eight other people were shot.

Enough is enough. I'm tired of seeing mothers cry. There are no words that we can give them. The more we do to keep guns out of the wrong hands of people, it is worth it. I'd rather go through this than carry the burden that Senator Gaughran just articulated of burying child after child, innocent victim after innocent victim.

To the extent that law-abiding citizens want to carry guns, this bill does attempt to make this possible in a responsible way that aims to protect all of us. It helps ensure that those of us who are given the privilege to carry them, carry them as safely as possible. So today I am proud to vote aye on this legislation.

Thank you.

ACTING PRESIDENT PERSAUD: Senator Cleare to be recorded in the affirmative.

Senator Myrie to explain his vote.

SENATOR MYRIE: Thank you, Madam President.

So I've had to take two oaths to uphold the Constitution in my life: One to occupy the seat that I'm in right now, and the other to be a licensed attorney. So I want to make sure that we're clear on the constitutionality of this bill and we're clear on the intent of this bill. And I'm going to focus mostly on the sensitive locations.

The court -- and I disagree with the outcome of the Supreme Court's opinion in Bruen, but it is the law of the land. And the court made two things very clear. One was that we have the ability to designate sensitive places if we looked to the historic tradition -- long-standing, well-settled regulations. And the court explicitly included in those long-standing, well-settled regulations schools, government buildings, legislative assemblies, polling places and courthouses. So we know that those are presumptively constitutional.

But the court said that we are also facing different challenges today than we were in the 18th and 19th century, and that in examining

gun regulations the court can look to new and analogous regulations as it relates to determining sensitive places.

So all we are doing today is exercising the power that the court explicitly gave us to do. And some of these places that are outside of what the court explicitly said are what we find to be analogous to what we have seen throughout our history and what has been long-settled regulations.

We also have many, many, many examples in other states of these sensitive places that we drew from. So this just wasn't the whims of the Governor or our Majority Leader. We were very careful to painstakingly look throughout the country to ensure that we were comporting with what this opinion said.

And I will note that many of the jurisdictions where we drew some of the sensitive places from are also places that were explicitly sanctioned by this court as "shall issue" states.

So I believe and it is our intent that this bill comports with the Constitution, that it upholds our state's ability to designate sensitive places. And the truth is is that

New Yorkers intuitively understand why we would designate particular areas as sensitive places. And guess what? If they don't, they have a mechanism to remove us. It's our elections. That's what our democracy upholds. We don't have the luxury of being in black robes and separated from the population, unaccountable to anyone else.

One of our highest calls and our highest duties in this Legislature is to respond to the people and to keep them safe. That's what this is about today. It is public safety. The government has a compelling interest -- in fact, I don't know any interest more compelling than keeping New Yorkers safe. And that is what we are attempting to do within the parameters of this court decision.

And let me just end in thanking our Majority Leader for her continued leadership on the scourge of gun violence and us leveraging every tool we have to end that in this generation.

I also thank the Governor.

It is always a pleasure for me to be in the trenches with Senator Kavanagh, who I

think did a masterful job today.

And I will ultimately end with thanking the staff, both my staff and the Senate staff, for their incredible work over these past couple of days.

I proudly vote in the affirmative and look forward to this bill becoming law.

Thank you, Madam President.

ACTING PRESIDENT PERSAUD: Senator Myrie to be recorded in the affirmative.

Senator Kavanagh to explain his vote.

SENATOR KAVANAGH: Thank you, Madam President.

I begin -- there was a reference that compared -- a movie reference that said the Empire State strikes back. I think, you know, it's really -- the empire in that wasn't necessarily on the right side of history or --

(Laughter.)

SENATOR KAVANAGH: -- and they eventually don't do very well.

Really I think, you know, the return of the Jedi --

(Laughter.)

SENATOR KAVANAGH: -- and my great Jedi colleague Zellnor Myrie really did a fantastic job today.

I also do -- let me actually begin with the thank-yous. You know, Dan Mosher and Anthony Macerola and Nic Rangel and Dorothy Powell and Adriele Douglas and Noah Mamis and Eric Katz and Steven Koch -- and I don't know if this will be our last chance to thank Shontell for her work here.

And I'm sure I'm leaving out one or two other people, which is always the risk of that. But I do think it's important that this is an incredible amount of work over a significant period, and I really want to just acknowledge those folks.

Senator Myrie. Our leader, Andrea Stewart-Cousins. Our colleagues in the Assembly, including Speaker Heastie and the Codes chair, Assemblymember Dinowitz, and Assemblymember Paulin and my many other colleagues who have worked on this over a long time really deserve a lot of thanks for getting us here.

And of course New Yorkers Against Gun Violence and Everytown and Moms Demand

Action, who are represented in person by very patient representatives here today, as well as Giffords and Brady and other organizations that have, you know, been with us on this journey.

And again, I'd like to thank the Governor. It really is, notwithstanding some concerns of the other side, critical that we act quickly, that we act responsibly. And the Governor's leadership in making sure that happens has been critical today on this issue as well as so many others.

We are taking some straightforward steps today to ensure that our gun laws in New York are strong and keeping people safe and the Bruen decision, notwithstanding some comments from my colleagues on the other side of the aisle, does not prevent us from enacting strong laws. Quite the contrary; it invites us to enact strong gun laws and gives us a great deal of guidance as to what strong constitutional gun laws with respect to permitting require.

The court itself talks about "shall issue" states, and it says: "It appears that these shall-issue regimes, which often require applicants to undergo a background check and pass

a firearm safety course, are designed to ensure only that those bearing arms in the jurisdiction are in fact law-abiding, responsible citizens."

Now, our law, the language that talks about moral -- you know, the language that mentions "moral" as an adjective in that, is not new in this bill. That is the language that's been in our statute for a very long time. But we are defining it today in a manner that is specific and consistent with the Constitution. And it is no more subjective, in spite of my colleagues' concerns, than terms like "responsible," which the Supreme Court decision, this majority opinion, is telling us we have a right and perhaps an obligation to do.

Judge Barrett, in a decision that she wrote when she was on the Seventh Circuit, said: "History is consistent with common sense. It demonstrates that legislatures have the power to prohibit dangerous people from possessing guns. The historical evidence supports a proposition that the legislature may disarm those who have demonstrated a proclivity for violence or whose possession of guns would otherwise threaten the public safety."

And again, we are creating a regime today that is consistent with -- it eliminates the one thing that the Supreme Court says that we can't do, which is require that somebody demonstrate a concern about safety that is specific to them if they want to use a gun to protect themselves.

Contrary to what my colleague, my very articulate colleague said today, no one is giggling about gun violence prevention today. No one is laughing about what we're doing today. The law in this area has evolved very rapidly, partly because the U.S. Supreme Court has ruled -- has evolved very rapidly. In 2008, for the first time in this nation's history, the Supreme Court of the United States overturned an enormous range of cases across the country and said for the first time that the Second Amendment grants any individual American the right to have a gun to protect themselves.

It was previously widely considered to be a function of a militia and not a function of individual self-protection. That was 2008 in Heller. There have been some subsequent decisions since then. We have had numerous

decisions that have upheld the existing laws like those in New York.

Today we are responding to a new decision. We're responding quickly. We're responding decisively. And we are maintaining a constitutional set of laws that are also going to do what we've done for a long time in this Majority, which is do everything we can under our power to protect New Yorkers.

There are a few other things we're doing in this bill. It is a very big step that hasn't been discussed that fully today, that we are now taking direct responsibility, under these point-of-contact provisions, we're taking direct responsibility in New York for administering background checks, for doing those far more effectively going forward.

Those provisions and many other provisions in this bill are going to save lives.

With that, Madam President, I vote aye.

ACTING PRESIDENT PERSAUD: Senator Kavanagh to be recorded in the affirmative.

Leader Stewart-Cousins to close.

SENATOR STEWART-COUSINS: Thank you

so much, Madam President.

So I know all of us were excited at the end of session to return to our districts for the summer.

(Laughter.)

SENATOR STEWART-COUSINS: But the fact that we all reconvened to pass this urgent legislation speaks volumes about our chamber.

So I also want to add to the thank-yous -- you know, Governor Hochul and Speaker Heastie. Obviously, the sponsors. You know, I get to sponsor and you all get to, you know, defend in the masterful debates. Thank you Senator Kavanagh and Senator Myrie. And I know Senator Hoylman was standing by on ERA as well.

Thank you to the staff -- endless hours dedicated to making sure that we do this right.

And I thank, again, each and every one of us in this chamber for stepping up and for serving New Yorkers.

We are living in a grave new chapter of American history. Although our nation has fallen short of liberty and justice for all, we are always rooted in the power of progress. The

past week, though, has up-ended that progress. For the first time in our recent history, we deliberately reneged on our freedoms. The Supreme Court decreed that we frankly were more entitled to carry a gun than for some of us to control our own bodies -- making this country infinitely more dangerous and relegating clearly half of the population to, in effect, being second-class citizens.

Throughout generations we've relied on the federal government to set the floor on our civil liberties for our entire nation. However, in the two rulings last week the court eviscerated that principled stance. It argued that our right to live safely in public and our right to make personal choices is really dependent on the state in which we reside.

So be it. If the federal government is incapable of setting the baseline for our rights and protections, then we will do it ourselves.

Just as we took action when a leaked decision foreshadowed the fall of Roe, we're stepping up once again to lead where our federal partners have not. Today we're regulating

concealed-carry permits and taking action to ensure choice and contraception are protected in our Constitution. In these critical moments, states are truly the last line of defense against this unaccountable and activist Supreme Court.

The Bruen decision put the general public into greater jeopardy by ripping off the oversight on who may carry concealed firearms. That's why we're enhancing licensing requirements for concealed-carry permit applicants, broadening training standards along with background checks, and identifying sensitive areas where guns are not allowed.

That being said, concealed carry cannot be a more fundamental right than your own bodily autonomy. In today's session not only are we restoring the basic tenets of public safety, but we're upholding the core belief that every citizen, regardless of their identity, is entitled to equal treatment before the law. We're running out of time, frankly, to codify these human rights before the Supreme Court completely invalidates them.

The amendment we're passing today attempts to achieve what America has failed to do

for generations -- guarantee Constitutional protections for individuals on the basis of sex, orientation and background from implicit or explicit discrimination.

We're also enshrining a constitutional right to an abortion and contraception to help ensure that our rights remain untouched by the federal court's recent action. This is a profound step, not only for our state but for our nation in a post-Roe world.

These actions feel especially meaningful today, which marks the 52nd anniversary of New York's abortion law taking effect. It's today, July 1st. I'll remind this chamber that we were three years ahead of the country on legalizing choice and did so under a Republican trifecta. Thirteen Senate Republicans helped bring that bill over the finish line.

I want to thank my colleagues today who honored their party's legacy with an affirmative vote.

There can be no true freedom if one liberty supersedes all others. Today's legislation offers a crucial response to frankly the cruelty inflicted by the Supreme Court, by

restoring balance to our laws. Once again, the New York Senate Majority proves that we must pave the way in this new era of political leadership. We are -- the only people who can guarantee these protections are ourselves.

I'm proud to continue leading this body in keeping New York safe, inclusive, and a truly responsive state. Today's legislation is the latest proof that state legislatures must lead and not bow to national pressure or yield to extremist forces. We are committed to doing right by the people of our state. And here in New York, we will always step up on behalf of our constituents and New Yorkers' best interests.

So, Madam President, I vote aye.

ACTING PRESIDENT PERSAUD: Leader Stewart-Cousins to be recorded in the affirmative.

Announce the results.

THE SECRETARY: In relation to Calendar Number 1, those Senators voting in the negative are Senators Akshar, Borrello, Boyle, Gallivan, Griffo, Helming, Jordan, Lanza, Martucci, Mattera, Oberacker, O'Mara, Ortt, Palumbo, Rath, Ritchie, Serino, Stec, Tedisco and

Weik.

Ayes, 43. Nays, 20.

ACTING PRESIDENT PERSAUD: The bill is passed.

Senator Kennedy, that completes the reading of the controversial calendar.

SENATOR KENNEDY: Thank you, Madam President.

There is a concurrent resolution at the desk. Please read it in its entirety, and I move for its immediate donation.

ACTING PRESIDENT PERSAUD: The Secretary will read.

THE SECRETARY: Senate Resolution 2, by Senator Stewart-Cousins, Concurrent Resolution of the Senate and Assembly relative to the adjournment of the Extraordinary Session of the Legislature sine die.

ACTING PRESIDENT PERSAUD: The question is on the resolution. Those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT PERSAUD: Opposed?

(No response.)

ACTING PRESIDENT PERSAUD: The

resolution is adopted.

Senator Kennedy.

SENATOR KENNEDY: Thank you, Madam President.

I move to adjourn the extraordinary session sine die.

ACTING PRESIDENT PERSAUD: The extraordinary session is adjourned sine die.

(Whereupon, at 2:15 p.m., the Senate adjourned.)