NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

May 9, 2023

3:15 p.m.

REGULAR SESSION

SENATOR JAMAAL T. BAILEY, Acting President

ALEJANDRA N. PAULINO, ESQ., Secretary

P R O C E E D I N G S

ACTING PRESIDENT BAILEY: 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 BAILEY: Rabbi Avi Kahan, from Derech Shalom, in Suffern, New York, will deliver today's invocation.

Rabbi?

RABBI KAHAN: Thank you, Senator Weber, for inviting me.

Thank you for allowing me to share a prayer.

As many of you might know, today is the mystical Jewish holiday known as Lag BaOmer. May also happens to be Mental Health Awareness Month. Jewish tradition says that on this day about 2,000 years ago, the great Shimon bar Yochai, the author of the Zohar, articulated the most fundamental mental health issues in his book the Zohar.

I want to read a small prayer from his students that was -- I would say it's about

500 years old.

O God, source of all healing and comfort, we come before You with open hearts and minds seeking Your divine guidance and wisdom.

We know that the journey of mental health is a difficult one, full of challenges and obstacles that can be difficult to overcome. But we also know that with Your divine help, all things are possible.

May Your light shine upon us, illuminating the darkest corners of our minds and hearts. May we be guided by Your divine presence as we seek healing and wholeness, and may we find comfort in knowledge that You are always with us, even in our moments of greatest despair.

We ask that You bless those who are struggling with mental health challenges and provide them with strength and resilience they need to face their struggles. May they find comfort in Your presence, and may they know that they are never alone on this journey.

O God, we also ask that You bless the healers and caregivers who work tirelessly to provide care and support to those in need. May they be guided by Your divine wisdom and

compassion, and may they be blessed with strength and resilience they need to continue their work.

May we always remember that our mental health is a reflection of our spiritual health, and that the care we give our minds and hearts is a sacred task. May we be blessed with the courage to face our struggles head-on and the wisdom to know when to seek help and support.

We offer this prayer in humility and gratitude, knowing that Your divine presence is with us always, guiding us on our journey and healing and wholeness. Amen.

Thank you.

ACTING PRESIDENT BAILEY: The reading of the Journal.

THE SECRETARY: In Monday, May 8, 2023, the Senate met pursuant to adjournment. The Journal of Friday, May 5, 2023, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT BAILEY: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

The Secretary will read.

THE SECRETARY: Senator Mannion

moves to discharge, from the Committee on Children and Families, Assembly Bill Number 2798 and substitute it for the identical Senate Bill 3119, Third Reading Calendar 708.

ACTING PRESIDENT BAILEY: So ordered.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Gianaris.

SENATOR GIANARIS: Good afternoon, Mr. President.

On behalf of Senator Liu, on page 34 I offer the following amendments to Calendar 725, Senate Print 760, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT BAILEY: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR GIANARIS: On behalf of Senator Cleare, I wish to call up Senate Print 1212, recalled from the Assembly, which is now at

the desk.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 203, Senate Print 1212, by Senator Cleare, an act directing the Departments of Environmental Conservation and Health to establish environmental standards for ambient lead and lead contamination in soils.

SENATOR GIANARIS: Move to reconsider the vote by which the bill was passed.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54.

ACTING PRESIDENT BAILEY: The bill is restored to its place on the Third Reading Calendar.

SENATOR GIANARIS: I offer the following amendments.

ACTING PRESIDENT BAILEY: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR GIANARIS: Please recognize Senator Lanza.

ACTING PRESIDENT BAILEY: Senator Lanza.

SENATOR LANZA: Good afternoon, Mr. President.

On behalf of Senator Borrello, on page 33 I offer the following amendments to Calendar Number 704, Senate Print Number 6110, and ask that said bill retain its place on Third Reading Calendar.

ACTING PRESIDENT BAILEY: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

Senator Gianaris.

SENATOR GIANARIS: I now move to adopt the Resolution Calendar, with the exception of Resolution 899.

ACTING PRESIDENT BAILEY: All those in favor of adopting the Resolution Calendar, with the exception of Resolution 899, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed, nay.

(No response.)

ACTING PRESIDENT BAILEY: The

Resolution Calendar is adopted.

Senator Gianaris.

SENATOR GIANARIS: Please call up Resolution 899, by Senator May, read its title, and recognize Senator May.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senate Resolution 899, by Senator May, memorializing Governor Kathy Hochul to proclaim May 7-13, 2023, as Fibromyalgia Awareness Week in the State of New York.

ACTING PRESIDENT BAILEY: Senator May on the resolution.

SENATOR MAY: Thank you, Mr. President.

Fibromyalgia affects an estimated 10 million Americans. It can be debilitating, but it is hard to diagnose and treat because it consists of a shifting constellation of symptoms, many of which overlap with other illnesses. Sufferers report experiencing pain, fatigue, digestive issues, anxiety, depression, insomnia, and brain fog and memory issues.

Perhaps because the typical fibro

patient is a woman over 40, for a long time the medical profession was inclined to dismiss the disease as imaginary. But I can attest firsthand that it's real. I'm lucky to have mild and intermittent symptoms, but some people find their lives completely up-ended by fibromyalgia. Even so, it typically takes about five years to get a diagnosis, because there is limited training and information and relatively few treatment options.

Which is why I am delighted to welcome some guests today who are trying to change that. We are joined here today by Brian Hart of the International Institute for Human Empowerment; Sue Shipe, the chair of the Fibromyalgia Task Force of New York State; Simone Albrecht; Nicole MacFarland, executive director of Senior Hope; and Katie Greenberg.

I ask you to recognize them, and I thank them for their important work in raising awareness about fibromyalgia and moving us toward better treatment options.

Thank you.

ACTING PRESIDENT BAILEY: Thank you, Senator May.

To our guests, I welcome you on

behalf of the Senate. We extend to you the privileges and courtesies of the house.

Please rise and be recognized.

(Applause.)

ACTING PRESIDENT BAILEY: Senator Gianaris.

SENATOR GIANARIS: If we can go to previously adopted Resolution 819, by Senator Walczyk, read its title, and recognize Senator Walczyk.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Senate Resolution 819, by Senator Walczyk, commemorating the 50th Anniversary of the New York State Tug Hill Commission.

ACTING PRESIDENT BAILEY: Senator Walczyk on the resolution.

SENATOR WALCZYK: Thank you, Mr. President.

I rise to celebrate the Tug Hill Commission on 50 years of service here in the State of New York. They are a small nonregulatory state agency who works with local governments, citizens and the region to help

protect the sanctity of the Tug Hill region.

And, listen, you all know the Tug Hill region probably better than you may realize, because I guarantee at some point in the winter season they'll end up on the national media for the record amount of snowfall, guaranteed, every year.

It's a beautiful area of our state, whether it's covered in snow and snowmobile trails or not. The Tug Hill region includes 41 towns, 18 villages, and is portions of Jefferson, Lewis, Oneida and Oswego counties. We're talking about 2100 square miles.

They have an executive director who's doing a great job, Katie Malinowski. And the Tug Hill Commission has been working for 50 years to serve these towns and villages and the region of the state.

What makes them so special -- you know, we often put legislation forward talking about shared services. But I encourage you and implore you to look at the Tug Hill Commission of exactly what's right when we talk about governments working together and sharing services. They've been doing it for 50 years.

They're doing a great job.

And may the Tug Hill Commission have 50 more great years serving the State of New York.

And with that, thank you, Mr. President.

ACTING PRESIDENT BAILEY: Thank you, Senator Walczyk.

The resolution was previously adopted on April 25th.

Senator Gianaris.

SENATOR GIANARIS: Let's stay with Senator Walczyk, who also has an introduction.

Oh, I'm sorry.

ACTING PRESIDENT BAILEY: The question is on Resolution 899. Apologies.

All in favor please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT BAILEY: Opposed?

(No response.)

ACTING PRESIDENT BAILEY: The resolution is adopted.

Senator Gianaris.

SENATOR GIANARIS: Can we now

recognize Senator Walczyk for an introduction.

SENATOR GIANARIS: Senator Walczyk for the purposes of an introduction.

SENATOR WALCZYK: Thank you, Mr. President.

Joined by some amazing home-school families in the gallery here today. And always encouraged when they're learning more about our legislative process, civics, and representative democracy here in the State of New York.

We've got the Greens from Redwood and the Ellisors from Fort Drum. We've got the Ososkalos from Clayton and the Bells from Cape Vincent, the Linstruths from Chaumont, the Georges, the Grants, the Baileys and the Dejourdans from Watertown, as well as the Ueblers from Watertown, the Fishers from La Fargeville, and the Wellwoods from Fort Drum.

And you might not recognize those names as home-schoolers. They're very important to me in the 49th Senate District. But you will recognize names like this: Thomas Edison, Teddy Roosevelt, Emma Watson, and Justin Timberlake. They're of the same ranks.

And we are blessed to have

parent-educators in this state, we're blessed to have dedicated students, and we're lucky to have a strong presence of home-schoolers in New York State as well as in our chamber today.

So I would ask you, Mr. President, if you would extend the cordialities of the house and the privileges of the floor in welcoming them here today. Thank you.

ACTING PRESIDENT BAILEY: Certainly.

To our guests, I welcome you on behalf of the Senate. We extend to you all of the privileges and courtesies of this house.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT BAILEY: We understand that we have now been joined by Senator May's guests in recognition of Fibromyalgia Awareness Week.

Please rise and be recognized.

(Standing ovation.)

ACTING PRESIDENT BAILEY: Senator Gianaris.

SENATOR GIANARIS: Mr. President, at the request of the sponsors, those resolutions

are open for cosponsorship.

ACTING PRESIDENT BAILEY: The resolutions are open for cosponsorship. Should you choose not to be a cosponsor, please notify the desk.

Senator Gianaris.

SENATOR GIANARIS: Can we now take up the reading of the calendar, please.

ACTING PRESIDENT BAILEY: The Secretary will read.

THE SECRETARY: Calendar Number 199, Senate Print 936, by Senator Bailey, an act to amend the Public Housing Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 263, Senate Print 303, by Senator Salazar, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Salazar to explain her vote.

SENATOR SALAZAR: Thank you, Mr. President.

When someone is a victim or a survivor of a crime, it is not unusual for their personal property to be damaged, lost or stolen or somehow affected as a result of being a victim of a crime. And in determining victim compensation awards, the term "welfare," as in the current law, has been narrowly interpreted and often results in some victims being deprived or rendered ineligible for compensation.

What this bill does is it really makes a simple change to the law. And while it

may seem simple to us, it can really have a profound positive impact on victims or survivors of crime who are seeking to be compensated and to have meaningful access to reimbursement for what is necessary for them to cope with what has happened to them and for them to move on with their lives.

So I thank our Majority Leader for prioritizing not only this bill, but an entire package of legislation today advocating for victims and survivors of crimes, so that we can better support them as a state.

Thank you.

ACTING PRESIDENT BAILEY: Senator Salazar to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 300, Senate Print 1138, by Senator Ortt, an act to amend Chapter 658 of the Laws of 1978.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. This

act shall take effect immediately.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 411, Senate Print 3340, by Senator Mayer, an act to amend the Civil Practice Law and Rules.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 5. This act shall take effect on the 120th day after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Mayer to explain her vote.

SENATOR MAYER: Thank you, Mr. President.

And thank you to my colleagues for

supporting this bill, which will really enable victims, particularly of domestic violence and sexual assault and others who get these extreme risk protection orders, or red flag orders, to ensure that they are actually filed in the statewide computerized registry.

When you get an order and you live in Mount Vernon like you do, Mr. President -- or not live in, but represent Mount Vernon -- and then you are in Western New York in Lockport, New York, where my husband comes from, you want to make sure that that ERPO order is on file for every police department and that every department knows in the whole State of New York.

This is a mandate that judges actually file into a statewide computerized registry. It does not change any of the underlying principles that we adopted in pursuing the red flag laws. This will grant people additional personal safety and security, knowing that these orders are filed in a statewide computerized registry.

Thank you, and I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar 411, those Senators voting in the negative are Senators Ashby, Borrello, Gallivan, Griffo, Helming, Mattera, Oberacker, O'Mara, Rhoads, Stec, Tedisco, Walczyk and Weik.

Ayes, 45. Nays, 13.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 465, Senate Print 1901, by Senator Stavisky, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Stavisky to explain her vote.

SENATOR STAVISKY: Thank you, Mr. President.

And thank you to my colleagues for this package of legislation.

This bill, Emma's Law, is named in honor of Emma O'Rourke, Emma Grace O'Rourke, who was 11 years old when her father was in an automobile accident, he was rear-ended and he suffered very severe traumatic injuries, including a brain injury.

She asked to speak at the sentencing of the person who hit her father's car, and she was denied that right because the driver of the other car pled guilty to a misdemeanor. It was plea-bargained down, I assume, to a misdemeanor, and misdemeanor crimes were not subject to the victim impact statement.

It's been a long time; it happened, I think, in 2012. But today Emma and other people would be able to testify at sentencing with the discretion of the court.

The result of these crimes, the traumatic experience that the victims undergo -- it doesn't matter what the crime was, the result is the same, and they deserve the same kind of closure as if it were a felony.

I plead -- I plead? I vote aye.

Thank you. Sorry.

(Laughter.)

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

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 466, Senate Print 1951, by Senator Hoylman-Sigal, an act to amend the Penal Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of November.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 469, Senate Print 3071, by Senator Fernandez, an act to amend the Criminal Procedure Law.

ACTING PRESIDENT BAILEY: Read the

last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Fernandez to explain her vote.

SENATOR FERNANDEZ: Thank you so much, Mr. President.

I've said it before on this floor, and it must be resaid every single time, because I wouldn't be fighting and doing what I have to do for the people and the women and the victims of domestic violence in the Bronx. But this bill would give the victim a stronger case or the ability to create a stronger case with the prosecutor getting access to past sealed convictions, typically -- what is it called -- restraining orders and orders of protection.

This is important to see the pattern of harm that is done on a victim and to further get justice and to achieve getting that justice.

So thank you, Mr. President, and I vote aye.

ACTING PRESIDENT BAILEY: Senator Fernandez to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 471, Senate Print 3236, by Senator Sepúlveda, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 567, Senate Print 4686, by Senator Parker, an act to amend the Criminal Procedure Law.

SENATOR LANZA: Lay it aside.

ACTING PRESIDENT BAILEY: Lay it aside.

THE SECRETARY: Calendar Number 606, Senate Print 4097A, by Senator Gounardes, an act to amend the Civil Service Law.

SENATOR GIANARIS: Lay it aside for the day.

ACTING PRESIDENT BAILEY: The bill will be laid aside for the day.

THE SECRETARY: Calendar Number 648, Senate Print 5916, by Senator Hoylman-Sigal, an act to amend the Court of Claims Act.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Hoylman-Sigal to explain his vote.

SENATOR HOYLMAN-SIGAL: Thank you, Mr. President.

I rise to thank my colleagues for their support of this legislation, which makes

some technical but necessary changes to our Adult Survivors Act, which we passed last year and which is in effect now.

And if there's any day that we should be celebrating the passage of the Adult Survivors Act, it's today, when E. Jean Carroll has been successful in her lawsuit against the 45th president of the United States and a jury has unanimously found him civilly liable for sexual assault and defamation.

We opened the door for E. Jean Carroll and countless other survivors under the Adult Survivors Act, and we should be proud of our work. We should be proud of this package because the Senate Majority and all of my colleagues are standing up for survivors, making sure their voices are heard and giving them access to justice.

I vote aye.

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

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 669, Senate Print 289, by Senator May, an act to amend the Local Finance Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator May to explain her vote.

SENATOR MAY: Thank you, Madam President.

And I want to thank my colleagues for supporting this bill, which is one more step toward making it easy for municipalities to put in place their own municipal broadband systems.

Those of us who live upstate are very familiar with the fact that broadband is not equitably distributed. A lot of people lack the connectivity and the resources that high-speed internet provides. And they're so critical to learning and to running a business and to just about every aspect of our lives these days.

So municipal broadband is one of the solutions that people have employed around the country to provide internet to everyone and not to make it just about the profit motive.

So this is one piece of the puzzle that allows municipalities to bond for municipal broadband systems. And I look forward to seeing many of our municipalities upstate be able to really thrive because they're able to provide this service to everybody.

I vote aye. Thank you.

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

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 672, Senate Print 2364A, by Senator Bailey, an act to amend the Executive Law.

ACTING PRESIDENT PERSAUD: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first of April.

ACTING PRESIDENT PERSAUD: Call the

roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Senator Bailey to explain his vote.

SENATOR BAILEY: Thank you, Madam President. Good afternoon.

To quote Pastor Jay Gooding of SUV, Stand Up To Violence, one shot fired is one shot too many.

The SNUG program, which is "guns" spelled backward, has been incredibly successful throughout the state in terms of reducing gun violence in many communities, often reducing them by 300 percent in certain catchment areas.

You know, I've seen the work of these organizations happen, and I just want to lift them up. SNUG, yes, there are a number of SNUG programs throughout the state. There is SNUG in Mount Vernon, SNUG 209. I've got to give them a shout-out. They do so many things.

And one of the things about violence interrupters and violence mediators, Madam President, is that it's not just about stopping violence, it's about having conversations within your community to understand

why violence is even happening between people and to snuff that out before it can even start.

You see, what happens with SNUG Mount Vernon is that they a number of programs and a number of things where they're feeding people, they're having events, they're getting involved in the community so that they can understand the community and understand why conflicts are happening.

When it comes to B.R.A.G., Bronx Rises Against Gun Violence, led by David Caba -- amazing work in my district and also Senator Rivera's district. They do phenomenal work in understanding -- again, they're in schools and they provide counseling services.

SUV, Stand Up To Violence, Pastor Jay Gooding and Minister Kwame Thompson doing amazing work in our specific communities, in consultation with Jacobi Hospital, because there is a -- as Senator Myrie's bill indicated, that gun violence is a public health crisis.

And so when we think about all of those organizations and so many -- RTG, Release the Grip -- and so many other violence interrupter organizations throughout the city and

state and the county and the country, they do way more than just stopping the violence. They take kids out of where sometimes the violence is happening. Sometimes you've got to take a kid out of town to -- so that they can breathe different air, so to speak, so they have a clearer head to think.

And the work that they do is so valuable, Madam President. And this bill would codify the SNUG program so that we wouldn't have to worry about getting the money in the budget every year. This would be something that we'd be able to rely on year after year because this program is worth it.

I vote aye, Madam President.

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

Senator Rivera to explain his vote.

SENATOR RIVERA: Senator Bailey stole my thunder a little bit, because I didn't know -- well, I knew that he was going to talk probably about B.R.A.G., but I wanted to talk about B.R.A.G. as well.

B.R.A.G., Madam President, is Bronx Rises Against Gun Violence. It is the SNUG

program that covers both areas in Senator Bailey's district as well as my own, run by David Caba and a whole host of amazing individuals. And I would argue -- I'm very thankful to Senator Bailey for bringing this bill up because, as he said, this is a conversation that we need to have every single budget cycle to make sure that there's money in there, and codifying it through legislation is absolutely essential.

And I would argue, Madam President, that this is exactly the place where we need to be investing money to actually stop violence in our communities. We can certainly have a conversation about where policing fits into it, but I believe that having conversations about programs like SNUG, programs of violence interrupters, programs of individuals who have a level of credibility in communities and actually consistently go out into those communities and talk to actual, real people, way before -- sometimes sadly after -- violence occurs, but most of the time before it does, and stop it from happening.

There were catchment areas in

B.R.A.G.'s -- B.R.A.G.'s catchment area that had no violence, no shootings for over a year, Madam President. Those are the types of things that I think that this program is demonstrated to have done, and this is the reason why I'm so proud to be voting in the affirmative, and hopefully we'll be able to get it passed and signed by the Governor.

I vote in the affirmative, Madam President. Thank you.

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

Senator Cleare to explain her vote.

SENATOR CLEARE: Thank you, Madam President.

I rise to just thank Senator Bailey for this bill that he brings forth today.

Violence interrupters are very important in our communities. And as Senator Rivera said, they stop violence even before it begins, and sometimes limit the amount of violence that does occur in our communities when there is a violent event, and stop acts of retaliation. They are able to talk to people in the community and make sure that we don't have

more than we already have.

And I think it is proper that we make sure that there is funding available for this. There are many underlying causes to the violence that's happening in our communities, and it's so important that people who understand that and who are able to talk to people in the community are there to help prevent it.

So I proudly vote aye for this legislation. And thank you again, Senator Bailey.

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

Senator Kennedy to explain his vote.

SENATOR KENNEDY: Thank you, Madam President.

First let me thank my colleague Senator Bailey for this visionary piece of legislation that will codify Operation SNUG into law here in New York State and will make sure it's funded appropriately.

We all knows SNUG is "guns" spelled backwards. And from its inception, this remarkable initiative has been saving lives throughout the great State of New York,

particularly in urban communities that have been ravaged by gun violence.

Back in 2011, my first year here in the Senate, there was a movement by then the ruling majority to take money away from SNUG. And we all had to stand up and fight back to make sure that our communities were represented and this important life-saving initiative actually stayed in place.

Because of Senator Bailey's efforts and this Democratic Conference, under the leadership of Majority Leader Andrea Stewart-Cousins, that will never be allowed to happen again. This life-saving measure is in place in perpetuity, and I'm proud not only to have fought for it in the past, but to support this today and will be there in the future.

With that, Madam President, I vote aye.

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

Announce the results.

THE SECRETARY: In relation to Calendar Number 672, voting in the negative: Senator Walczyk.

Ayes, 57. Nays, 1.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 686, Senate Print 1683, by Senator Hinchey, an act to amend the Public Health Law.

ACTING PRESIDENT PERSAUD: Read the last section.

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

ACTING PRESIDENT PERSAUD: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT PERSAUD: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT PERSAUD: The bill is passed.

THE SECRETARY: Calendar Number 692, Senate Print 2824, by Senator Lanza, an act to amend the Vehicle and Traffic Law.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 705, Senate Print 2463A, by Senator Persaud, an act to amend the Public Health Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number

706, Senate Print 3608A, by Senator Webb, an act to amend the Public Health Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 120th day after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Webb to explain her vote.

SENATOR WEBB: Thank you, Mr. President. I rise to explain my vote.

This legislation requires that parents or guardians of newborns be required to view a short video presentation, which would be approved by the Department of Health commissioner, on the dangers of drowning for infants and young children.

This legislation is very important because as you think about becoming a parent, as a new parent, and the responsibilities, the multiple responsibilities you have in caring for your children, it's really important that we as a

state continue to put resources in place to allow our parents to be successful.

And so this legislation just lifts up that new parents are already required to watch an approximately eight-minute video presentation on the dangers of shaking infants and young children prior to leaving the hospital. This bill would add a short video on drowning to help equip parents with all the tools they need to care for their children.

According to the CDC, drowning can happen quickly and quietly anywhere where there is water, especially to unsupervised children. This includes lakes, oceans, pools, bathtubs, even buckets of water.

Drowning is the top cause of accidental death of children under the age of five, with toddlers who are between 12 and 36 months of age at the highest risk.

According to the New York Water Safety Coalition, for every child who dies from drowning, another eight receive emergency department care for nonfatal drowning. Nonfatal drowning can result in serious health outcomes, including very serious injuries such as brain

damage or permanent disability.

Again, it is critical that we ensure that new parents have access to education on the dangers of drowning that can occur by leaving a toddler unattended in or even near 2 inches of water. I vote aye, and I encourage my colleagues to do the same.

Thank you.

ACTING PRESIDENT BAILEY: Senator Webb to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 708, Assembly Print Number 2798, by Assemblymember Hevesi, an act in relation to a study of the number of children in foster care who have a developmental disability.

ACTING PRESIDENT BAILEY: Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 709, Senate Print 214A, by Senator Myrie, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 7. This act shall take effect one year after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Myrie to explain his vote.

SENATOR MYRIE: Thank you, Mr. President.

And let me first start by thanking many of my colleagues on both sides of the aisle. As many of you know, two weeks ago my grandfather passed away, and many of you have expressed your

condolences, and so I wanted to publicly thank all of you for that.

And the reason I'm thinking about my grandfather is because of the pain and the anguish that accompanies losing someone that you love. Many people have to feel this on a daily basis. My grandfather was suffering from some health challenges, but we also have victims and survivors of gun violence, domestic violence, sexual violence, that have to deal with this pain and anguish as well.

And for too long in this state, if you were a victim or a survivor looking to get compensation from the state, compensation that you are entitled to, if you are Black or brown or a member of the LGBTQI community, or a woman, in many cases, you were much less likely to get this compensation from the state because of the hurdles that we've put in front of individuals.

The requirement that you interact with law enforcement, the short amount of time you have to report, and the lack of assistance that you got from the state, served as a hurdle for too many. And no one going through pain, going through anguish -- anyone who is a survivor

of a crime should be entitled to that compensation, no matter their zip code, no matter what they look like.

So I'm so proud that we have been able to get this bill across the finish line. I want to thank our Corrections chair, Senator Salazar, our corrections counsel, Adriele Douglas, many people on my staff, and most importantly the impacted individuals who fought for this bill almost on a daily basis for two years to get us to where we are today.

So, Mr. President, I will be voting proudly in the affirmative and encourage all of my colleagues to do the same.

Thank you.

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

Senator Rolison to explain his vote.

SENATOR ROLISON: Thank you, Mr. President.

And I want to thank my colleague Senator Myrie for staying the course. It took two years; it's now getting done.

I can tell you in the evolution of crime victim services, I saw that firsthand,

becoming a police officer in 1982 when there really wasn't much. Locally, counties through various departments got involved, nonprofit groups. It always seemed to me that in the early days of services, the state lagged behind. I heard that from victims, I heard that from other service providers.

And it's good to see that that has changed over the years, and this obviously goes to help that along. Because, you know, one of the provisions in the bill is the time frame. And if you're a victim of crime, there is no time frame. You are the victim when you're victimized, and you're a victim a year later, three years later, or 10 years later, depending on the severity of crime.

It's often said, and I believe this, that being the victim of a crime can be one of the loneliest places that you could be. And it's difficult sometimes for yourself personally, as you alluded to, Senator Myrie, on accessing services, knowing where to go. Being frustrated, you give up.

We have a responsibility in government when it comes to public safety, when

it comes to helping others, that we don't give up. That we do what we can so when someone goes someplace or makes that call, that call is answered and they get the services, they can get in the right direction, because that takes a long time too.

So again, thank you, Senator Myrie, and all the other sponsors of the bill, and I proudly vote aye.

Mr. President, thank you.

ACTING PRESIDENT BAILEY: Senator Rolison to be recorded in the affirmative.

Senator Weber to explain his vote.

SENATOR WEBER: Thank you, Mr. Speaker.

I would also like to thank my colleague Senator Myrie for introducing this very important legislation. You know, we've -- my office has heard from many crime victims, we've heard from many advocacy groups about the need for this important legislation. So I applaud your resilience to really get this across the finish line.

I'm -- I was extremely happy to add my name as a cosponsor, and I proudly vote aye.

ACTING PRESIDENT BAILEY: Senator Weber to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

THE SECRETARY: Calendar Number 713, Senate Print 5502, by Senator Scarcella-Spanton, an act to amend the Executive Law.

ACTING PRESIDENT BAILEY: Read the last section.

THE SECRETARY: Section 3. This act shall take effect on the 90th day after it shall have become a law.

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Senator Scarcella-Spanton to explain her vote.

SENATOR SCARCELLA-SPANTON: Thank you, Mr. President.

I rise today to thank everybody for helping get this bill passed. It's so important that when someone is a victim of a crime, that

they have their rights explained to them. And this is what this legislation seeks to do, making sure that the sentencing judge or a district attorney provides the rights of a victim to that victim.

Being a victim of a crime is already overwhelming, so they shouldn't have to seek out what they're entitled to, what kind of rights they have. So this is just one way that we can alleviate that burden, and I proudly vote aye.

Thank you, everyone.

ACTING PRESIDENT BAILEY: Senator Scarcella-Spanton to be recorded in the affirmative.

Senator Murray to explain his vote.

SENATOR MURRAY: Thank you, Mr. President.

I too would like to thank the sponsor for bringing this forward.

I was recently at a candlelight vigil for parents and other survivors of murder victims, and the organizer actually brought up the informational pamphlets in speaking to some of the other family members and loved ones, and brought up the importance of it.

But the question arose among everyone speaking, are they still doing this? Who gets this information? Is it even available?

So passing this bill is extremely important because, as has been mentioned before, in that time you're not thinking clearly, you're struggling, you're in pain, you need help, you need guidance. And providing this information will help those to put them in the right direction.

So I proudly support this and thank the sponsor for bringing it forward.

ACTING PRESIDENT BAILEY: Senator Murray to be recorded in the affirmative.

Announce the results.

THE SECRETARY: Ayes, 58.

ACTING PRESIDENT BAILEY: The bill is passed.

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

SENATOR GIANARIS: On to the controversial calendar, please.

ACTING PRESIDENT BAILEY: The Secretary will ring the bell.

The Secretary will read.

THE SECRETARY: Calendar Number 567, Senate Print 4686, by Senator Parker, an act to amend the Criminal Procedure Law.

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

SENATOR LANZA: Mr. President, I rise because I believe there's an amendment at the desk. And I waive the reading of that amendment and ask that you call on Senator Martins.

ACTING PRESIDENT BAILEY: 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, Mr. President, I appeal the ruling of the chair and ask that you recognize Senator Martins to be heard on the appeal.

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

SENATOR MARTINS: Thank you, Mr. President. I rise to appeal the ruling of the chair.

Mr. President, the proposed amendment is germane to the bill at hand because the bill at hand is about protecting domestic violence victims and the proposed amendment would protect domestic violence victims by authorizing judges to set bail on crimes that have been committed against members of the same family or household.

Bail reform has had a disastrous impact on domestic violence victims and continues to imperil those vulnerable individuals. Mr. President, we all know that when someone calls and reports a domestic violence incident, it's one of the most difficult calls I would imagine. We just heard from Senator Rolison that one of the loneliest places in the world is as the victim of a crime. Perhaps no more lonely than when that crime has been perpetrated by a member of a household, by a family member, by a loved one.

Prior to bail reform, judges could set bail on offenders charged with any domestic violence-related offense. Now our laws handcuff our judges, preventing them from setting bail on many serious and inherently violent offenses.

Those include assault in the third degree, Mr. President, when someone causes physical injury to another person. Menacing in the second degree, when someone threatens another person with a weapon.

Most stalking offenses, including stalking someone while displaying or possessing a gun or other weapon.

False imprisonment in the second degree, unlawfully restraining another person. Aggravated family offense, when someone commits a specific misdemeanor family offense against a member of the same household and was convicted of one or more specified offenses within the preceding five years.

Now, we're all, I think, on the same page that when someone calls for help, we want to make sure they get that help. I think we also need to be on the same page that when someone is arrested, that's not an easy decision for that person who's pressing charges. The last thing we should want is for that person to return home to the very people and the very person that they just victimized. And allowing a judge to set bail or to hold someone and to incarcerate them

and have the discretion by setting a dangerous standard and allowing that to be part of any review of a domestic violence offense, I think makes sense and certainly is germane to the underlying bill.

The underlying bill, Mr. President, speaks to the fact that family offenses are typically the most emotionally charged situations a police officer can find themselves in -- the most emotionally charged situations a police officer can find themselves in. Well, that's the point. You know why? It's personal. It's personal because there's someone who's living with you in the household who assaulted you, and you deserve to have the ability to make sure that that person doesn't reside in your home and isn't returned to your home so that they can actually continue to do just that.

So yes, Mr. President, I believe that this amendment is germane.

Lastly, Mr. President, I think we can all agree that domestic violence victims are among the most vulnerable in our society. We all agree to that. And we have to do more to protect them. In order to provide them with the

protections that they need, we must give judges the discretion they need to set bail on all crimes of domestic violence.

And that's why, Mr. President, I believe this amendment is not only germane -- frankly, it's an opportunity for people in this house to understand that if we want to stand up for victims of domestic violence, this is an opportunity for us to do so today with this bill.

So, Mr. President, for those reasons I appeal the ruling of the chair.

ACTING PRESIDENT BAILEY: Thank you, Senator Martins.

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

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

(Response of "Aye.")

SENATOR LANZA: Request a show of hands.

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

Announce the results.

THE SECRETARY: Ayes, 20.

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

Senator Gianaris.

SENATOR GIANARIS: Mr. President, we've agreed to restore this bill to the noncontroversial calendar.

ACTING PRESIDENT BAILEY: The bill will be restored to the noncontroversial calendar.

Read the last section.

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

ACTING PRESIDENT BAILEY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT BAILEY: Announce the results.

THE SECRETARY: Ayes, 59.

ACTING PRESIDENT BAILEY: The bill is passed.

Senator Gianaris.

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

ACTING PRESIDENT BAILEY: There is

no further business at the desk.

SENATOR GIANARIS: Move to adjourn until tomorrow, Wednesday, May 10th, at 11:00 a.m.

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

(Whereupon, at 4:01 p.m., the Senate adjourned.)