

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10

July 1, 2022

11

9:14 a.m.

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14

EXTRAORDINARY SESSION

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18 SENATOR ROXANNE J. PERSAUD, Acting President

19 ALEJANDRA N. PAULINO, ESQ., Secretary

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

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

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

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

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

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

13 ACTING PRESIDENT PERSAUD: Senator  
14 Kennedy.

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

17 (Laughter.)

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

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

22 The Secretary will read.

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

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

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

14 "Given under my hand and the Privy  
15 Seal of the State in the City of Albany this  
16 1st day of July in the year 2022.

17 "By Governor Kathy Hochul."

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

21 THE SECRETARY: Senator Addabbo.

22 ACTING PRESIDENT PERSAUD: Senator  
23 Addabbo is present.

24 THE SECRETARY: Senator Akshar.

25 ACTING PRESIDENT PERSAUD: Senator

1 Akshar is present.

2 THE SECRETARY: Senator Bailey.

3 ACTING PRESIDENT PERSAUD: Senator  
4 Bailey is present.

5 THE SECRETARY: Senator Biaggi.

6 Senator Borrello.

7 Senator Boyle.

8 Senator Breslin.

9 ACTING PRESIDENT PERSAUD: Senator  
10 Breslin is present.

11 THE SECRETARY: Senator Brisport.

12 ACTING PRESIDENT PERSAUD: Senator  
13 Brisport is present.

14 THE SECRETARY: Senator Brooks.

15 Senator Brouk.

16 ACTING PRESIDENT PERSAUD: Senator  
17 Brouk is present.

18 ACTING PRESIDENT PERSAUD: Senator  
19 Cleare.

20 Senator Comrie.

21 ACTING PRESIDENT PERSAUD: Senator  
22 Comrie is present.

23 Senator Cooney.

24 Senator Felder.

25 ACTING PRESIDENT PERSAUD: Senator

1 Felder is present.

2 THE SECRETARY: Senator Gallivan.

3 Senator Gaughran.

4 Senator Gianaris.

5 Senator Gounardes.

6 ACTING PRESIDENT PERSAUD: Senator

7 Gounardes is present.

8 THE SECRETARY: Senator Griffo.

9 ACTING PRESIDENT PERSAUD: Senator

10 Griffo is present.

11 THE SECRETARY: Senator Harckham.

12 SENATOR HARCKHAM: Here.

13 THE SECRETARY: Senator Helming.

14 Senator Hinchey.

15 ACTING PRESIDENT PERSAUD: Senator

16 Hinchey is present.

17 THE SECRETARY: Senator Hoylman.

18 ACTING PRESIDENT PERSAUD: Senator

19 Hoylman is present.

20 THE SECRETARY: Senator Jackson.

21 ACTING PRESIDENT PERSAUD: Senator

22 Jackson is present.

23 THE SECRETARY: Senator Jordan.

24 ACTING PRESIDENT PERSAUD: Senator

25 Jordan is present.

1                   THE SECRETARY:     Senator Kaminsky.  
2                   ACTING PRESIDENT PERSAUD:     Senator  
3 Kaminsky is present.  
4                   THE SECRETARY:     Senator Kaplan.  
5                   SENATOR KAPLAN:     Here.  
6                   THE SECRETARY:     Senator Kavanagh.  
7                   ACTING PRESIDENT PERSAUD:     Senator  
8 Kavanagh is present.  
9                   THE SECRETARY:     Senator Kennedy.  
10                  SENATOR KENNEDY:     Here.  
11                  THE SECRETARY:     Senator Krueger.  
12                  ACTING PRESIDENT PERSAUD:     Senator  
13 Krueger is present.  
14                  THE SECRETARY:     Senator Lanza.  
15                  Senator Liu.  
16                  ACTING PRESIDENT PERSAUD:     Senator  
17 Liu is present.  
18                  THE SECRETARY:     Senator Mannion.  
19                  ACTING PRESIDENT PERSAUD:     Senator  
20 Mannion is present.  
21                  THE SECRETARY:     Senator Martucci.  
22                  ACTING PRESIDENT PERSAUD:     Senator  
23 Martucci is present.  
24                  THE SECRETARY:     Senator Mattera.  
25                  SENATOR MATTERA:     Here.

1                   THE SECRETARY:    Senator May.  
2                   ACTING PRESIDENT PERSAUD:    Senator  
3 May is present.  
4                   THE SECRETARY:    Senator Mayer.  
5                   ACTING PRESIDENT PERSAUD:    Senator  
6 Mayer is present.  
7                   THE SECRETARY:    Senator Myrie.  
8                   ACTING PRESIDENT PERSAUD:    Senator  
9 Myrie is present.  
10                  THE SECRETARY:    Senator Oberacker.  
11                  ACTING PRESIDENT PERSAUD:    Senator  
12 Oberacker is present.  
13                  THE SECRETARY:    Senator O'Mara.  
14                  Senator Ortt.  
15                  ACTING PRESIDENT PERSAUD:    Senator  
16 Ortt is present.  
17                  THE SECRETARY:    Senator Palumbo.  
18                  Senator Parker.  
19                  Senator Persaud.  
20                  ACTING PRESIDENT PERSAUD:    Present.  
21                  THE SECRETARY:    Senator Ramos.  
22                  ACTING PRESIDENT PERSAUD:  
23 Senator Ramos is present.  
24                  THE SECRETARY:    Senator  
25 Reichlin-Melnick.

1                   Senator Ritchie.

2                   ACTING PRESIDENT PERSAUD:    Senator  
3   Ritchie is present.

4                   Senator Kennedy, a quorum is  
5   present.

6                   SENATOR KENNEDY:    Thank you,  
7   Madam President.

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

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

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

17                  ACTING PRESIDENT PERSAUD:   The  
18   Secretary will read.

19                  THE SECRETARY:    Senate Resolution  
20   1, by Senator Stewart-Cousins, providing for the  
21   introduction of bills in the Senate during the  
22   Extraordinary Session.

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



1 (Response of "Aye.")

2 ACTING PRESIDENT PERSAUD: Opposed?

3 (No response.)

4 ACTING PRESIDENT PERSAUD: The  
5 resolution is adopted.

6 Senator Kennedy.

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

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

12 ACTING PRESIDENT PERSAUD: There  
13 will be a meeting of the Rules Committee at  
14 10:00 a.m.

15 The Senate will stand at ease.

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

18 (Whereupon, the Senate reconvened at  
19 11:12 a.m.)

20 ACTING PRESIDENT PERSAUD: The  
21 Senate will return to order.

22 Senator Kennedy.

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

1                   Please take that up.

2                   ACTING PRESIDENT PERSAUD:    The  
3 Secretary will read.

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

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

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

14                  Both bills reported direct to third  
15 reading.

16                  ACTING PRESIDENT PERSAUD:    Senator  
17 Kennedy.

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

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

24                  (Response of "Aye.")

25                  ACTING PRESIDENT PERSAUD:    Opposed,

1       nay.

2                       (Response of "Nay.")

3                       ACTING PRESIDENT PERSAUD:     The  
4 Rules Committee report is accepted.

5                       Senator Kennedy.

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

8                       ACTING PRESIDENT PERSAUD:     The  
9 Secretary will read.

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

13                      SENATOR LANZA:     Lay it aside.

14                      ACTING PRESIDENT PERSAUD:     Senator  
15 Kennedy.

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

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

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

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

25                      (Response of "Aye.")

1                   ACTING PRESIDENT PERSAUD:   Opposed,  
2    nay.

3                   (Response of "Nay.")

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

7                   SENATOR LANZA:    Lay it aside.

8                   ACTING PRESIDENT PERSAUD:   Lay it  
9    aside.

10                  The Secretary will continue to read.

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

16                  ACTING PRESIDENT PERSAUD:   Call the  
17    roll.

18                  (The Secretary called the roll.)

19                  ACTING PRESIDENT PERSAUD:   Senator  
20    Mayer to explain her vote.

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

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

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

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

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

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

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

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

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

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

25 I vote aye.

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

3                   Announce the results.

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

10                   Ayes, 49.   Nays, 14.

11                   ACTING PRESIDENT PERSAUD:    The  
12 resolution is passed.

13                   Senator Kennedy, that completes the  
14 reading of the calendar.

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

18                   ACTING PRESIDENT PERSAUD:    The  
19 Secretary will ring the bell.

20                   The Secretary will read.

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

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

1                   SENATOR LANZA:    Hello,  
2    Madam President.

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

7                   ACTING PRESIDENT PERSAUD:    Thank  
8    you, Senator Lanza.

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

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

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

18                  SENATOR HELMING:    Thank you,  
19   Madam President.

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



1 consequences.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 be brought to court. Under the current system,  
2 it's far too difficult to prosecute 16- and  
3 17-year-olds who have violated use and possession  
4 gun laws.

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

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

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

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

25 ACTING PRESIDENT PERSAUD: Thank

1       you, Senator.

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

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

7                       SENATOR LANZA:     Request a show of  
8       hands.

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

13                      ACTING PRESIDENT PERSAUD:   Without  
14      objection, so ordered.

15                      Announce the results.

16                      THE SECRETARY:     Ayes, 20.

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

20                      Senator Stec, why do you rise?

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

23                      ACTING PRESIDENT PERSAUD:   Senator  
24      Kennedy.

25                      SENATOR KENNEDY:    Madam President,

1 just a point of clarification.

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

6 Thank you.

7 ACTING PRESIDENT PERSAUD: Thank  
8 you.

9 Will the sponsors yield.

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

12 ACTING PRESIDENT PERSAUD: The  
13 sponsors yield.

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

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

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

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

4                   ACTING PRESIDENT PERSAUD:   Does the  
5   sponsor yield?

6                   SENATOR KAVANAGH:   Yes,  
7   Madam President.

8                   ACTING PRESIDENT PERSAUD:   The  
9   sponsor yields.

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

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

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

1 consistent with the Constitution now.

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

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

8 ACTING PRESIDENT PERSAUD: Does the  
9 sponsor yield?

10 SENATOR KAVANAGH: Yes,  
11 Madam President.

12 ACTING PRESIDENT PERSAUD: The  
13 sponsor yields.

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

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



1 they may have?

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

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

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

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

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

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

10 ACTING PRESIDENT PERSAUD: Does the  
11 sponsor yield?

12 SENATOR KAVANAGH: Yes,  
13 Madam President.

14 ACTING PRESIDENT PERSAUD: The  
15 sponsor yields.

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

25 It sounded like you put a lot of

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

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

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

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

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

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

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

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

18 ACTING PRESIDENT PERSAUD: Does the  
19 sponsor yield?

20 SENATOR KAVANAGH: Yes,  
21 Madam President.

22 ACTING PRESIDENT PERSAUD: The  
23 sponsor yields.

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

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

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

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

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

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

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

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

9 ACTING PRESIDENT PERSAUD: Does the  
10 sponsor yield?

11 SENATOR KAVANAGH: Yes,  
12 Madam President.

13 ACTING PRESIDENT PERSAUD: The  
14 sponsor yields.

15 SENATOR STEC: Thank you,  
16 Madam President.

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

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

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

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

7                   ACTING PRESIDENT PERSAUD:   Does the  
8 sponsor yield?

9                   SENATOR KAVANAGH:   Yes, Madam  
10 President.

11                  ACTING PRESIDENT PERSAUD:   The  
12 sponsor yields.

13                  SENATOR STEC:    Thank you.

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

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

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

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

7 So yes, many, many people were  
8 consulted.

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

12 ACTING PRESIDENT PERSAUD: Does the  
13 sponsor yield?

14 SENATOR KAVANAGH: Yes,  
15 Madam President.

16 ACTING PRESIDENT PERSAUD: The  
17 sponsor yields.

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

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

25 SENATOR KAVANAGH: Through you,



1 Madam President. A Second Amendment group --

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

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

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

19 ACTING PRESIDENT PERSAUD: Does the  
20 sponsor yield?

21 SENATOR KAVANAGH: Yes, Madam  
22 President.

23 ACTING PRESIDENT PERSAUD: The  
24 sponsor yields.

25 SENATOR STEC: All right, thank

1 you.

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

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

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

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

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

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

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

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

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

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

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

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

23 ACTING PRESIDENT PERSAUD: Does the  
24 sponsor yield?

25 SENATOR KAVANAGH: Yes, Madam

1 President.

2 ACTING PRESIDENT PERSAUD: The  
3 sponsor yields.

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

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

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

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

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

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

20                   ACTING PRESIDENT PERSAUD:   Does the  
21 sponsor yield?

22                   SENATOR KAVANAGH:   Yes,  
23 Madam President.

24                   ACTING PRESIDENT PERSAUD:   The  
25 sponsor yields.

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

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

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

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

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

15                  If the sponsor would continue to  
16   yield.

17                  ACTING PRESIDENT PERSAUD:   Does the  
18   sponsor yield?

19                  SENATOR KAVANAGH:   Yes,  
20   Madam President.

21                  ACTING PRESIDENT PERSAUD:   The  
22   sponsor yields.

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

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

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

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

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

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

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



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

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

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

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

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

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

7                        ACTING PRESIDENT PERSAUD:     Does the  
8       sponsor yield?

9                        SENATOR KAVANAGH:     Yes,  
10      Madam President.

11                      ACTING PRESIDENT PERSAUD:     The  
12      sponsor yields.

13                      SENATOR STEC:     Thank you.

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

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

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

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

10                   SENATOR STEC:   Who decides that?

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

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

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

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

22                   ACTING PRESIDENT PERSAUD:   Does the  
23 sponsor yield?

24                   SENATOR KAVANAGH:   Yes, Madam  
25 President.

1                   ACTING PRESIDENT PERSAUD:    The  
2                   sponsor yields.

3                   SENATOR STEC:     Thank you, Madam  
4                   President.

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

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

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

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

1                   ACTING PRESIDENT PERSAUD:    Does the  
2 sponsor yield?

3                   SENATOR KAVANAGH:    Yes, Madam  
4 President.

5                   ACTING PRESIDENT PERSAUD:    The  
6 sponsor yields.

7                   SENATOR STEC:    Thank you.

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

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

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

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

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

9 ACTING PRESIDENT PERSAUD: Does the  
10 sponsor yield?

11 SENATOR KAVANAGH: Yes, Madam  
12 President.

13 ACTING PRESIDENT PERSAUD: The  
14 sponsor yields.

15 SENATOR STEC: Thank you.

16 So through recertifying or  
17 reapplying. So prior to the SAFE Act, if you had  
18 a pistol permit issued to you when you're 21 or  
19 25 years old or whatever, that pistol permit was  
20 good for life. And then that was changed in the  
21 SAFE Act, requiring a five-year reapplication,  
22 recertification. And this legislation would  
23 change that from five years, it would lower it to  
24 every three years you would have to reapply.

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

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

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

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

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

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

24 ACTING PRESIDENT PERSAUD: Does the  
25 sponsor yield?

1                   SENATOR KAVANAGH:    Yes,  
2    Madam President.

3                   ACTING PRESIDENT PERSAUD:    The  
4    sponsor yields.

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

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

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

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



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

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

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

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

23                   ACTING PRESIDENT PERSAUD: Does the  
24 sponsor yield?

25                   SENATOR KAVANAGH: Yes,

1 Madam President.

2 ACTING PRESIDENT PERSAUD: The  
3 sponsor yields.

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

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

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

19 ACTING PRESIDENT PERSAUD: Does the  
20 sponsor yield?

21 SENATOR KAVANAGH: Yes,  
22 Madam President.

23 ACTING PRESIDENT PERSAUD: The  
24 sponsor yields.

25 SENATOR STEC: So just so I

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

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

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

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

23           SENATOR STEC: (Inaudible.)

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

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

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

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

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

21 ACTING PRESIDENT PERSAUD: Does the  
22 sponsor yield?

23 SENATOR KAVANAGH: Yes,  
24 Madam President.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

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

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

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

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

25 But again, that is not something

1 that the bill details.

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

5 ACTING PRESIDENT PERSAUD: Does the  
6 sponsor yield?

7 SENATOR KAVANAGH: Yes,  
8 Madam President.

9 ACTING PRESIDENT PERSAUD: The  
10 sponsor yields.

11 SENATOR STEC: Thank you,  
12 Madam President.

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

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

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

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

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

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

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

19           SENATOR STEC:    Thank you.

20           Madam President, will the sponsor  
21 continue to yield?

22           ACTING PRESIDENT PERSAUD:   Does the  
23 sponsor yield?

24           SENATOR KAVANAGH:   Through you,  
25 Madam President, yes.

1                   ACTING PRESIDENT PERSAUD:    The  
2 sponsor yields.

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

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

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

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

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

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



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

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

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

14 ACTING PRESIDENT PERSAUD: Does the  
15 sponsor yield?

16 SENATOR KAVANAGH: Yes,  
17 Madam President.

18 ACTING PRESIDENT PERSAUD: The  
19 sponsor yields.

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

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

25 SENATOR KAVANAGH: Through you,

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

4 SENATOR STEC: (Inaudible.)

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

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

12 SENATOR STEC: Every three years.

13 SENATOR KAVANAGH: Every three  
14 years.

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

18 ACTING PRESIDENT PERSAUD: Does the  
19 sponsor yield?

20 SENATOR KAVANAGH: Yes,  
21 Madam President.

22 ACTING PRESIDENT PERSAUD: The  
23 sponsor yields.

24 SENATOR STEC: Thank you.

25 All right. In the previous answer

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

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

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

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

19 ACTING PRESIDENT PERSAUD: Does the  
20 sponsor yield?

21 SENATOR KAVANAGH: Yes,  
22 Madam President.

23 ACTING PRESIDENT PERSAUD: The  
24 sponsor yields.

25 SENATOR STEC: Thank you.

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

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

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

16                  (Laughter.)

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

20                  ACTING PRESIDENT PERSAUD: Does the  
21                  sponsor yield?

22                  SENATOR KAVANAGH: Yes.

23                  ACTING PRESIDENT PERSAUD: The  
24                  sponsor yields.

25                  SENATOR STEC: All right.

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

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

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

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

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

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

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

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

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

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

5 ACTING PRESIDENT PERSAUD: Does the  
6 sponsor yield?

7 SENATOR KAVANAGH: Yes,  
8 Madam President.

9 ACTING PRESIDENT PERSAUD: The  
10 sponsor yields.

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

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

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

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

1 every jurisdiction.

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

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

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

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

20 ACTING PRESIDENT PERSAUD: Does the  
21 sponsor yield?

22 SENATOR KAVANAGH: Yes,  
23 Madam President.

24 ACTING PRESIDENT PERSAUD: The  
25 sponsor yields.



1                   SENATOR STEC:    Thank you.

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

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

16                   But regarding private businesses --

17                   SENATOR KAVANAGH:    May

18 I interject --

19                   SENATOR STEC:    Yeah, sure.

20 Absolutely.

21                   SENATOR KAVANAGH:    Just for a  
22 moment.

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

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

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

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

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

20 SENATOR STEC: Fair enough.

21 Will Senator Myrie please yield?

22 ACTING PRESIDENT PERSAUD: Senator,  
23 do you --

24 SENATOR MYRIE: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR STEC: Thank you very much.

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

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

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

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

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

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

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

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

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

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

20 SENATOR STEC: Thank you, Senator.

21 If the sponsor would continue to  
22 yield, please.

23 ACTING PRESIDENT PERSAUD: Does the  
24 sponsor yield?

25 SENATOR MYRIE: Yes.

1                   ACTING PRESIDENT PERSAUD:    The  
2    sponsor yields.

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

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

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

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

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

1 that as well.

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

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

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

17                   ACTING PRESIDENT PERSAUD: Does the  
18 sponsor yield?

19                   SENATOR MYRIE: Yes.

20                   ACTING PRESIDENT PERSAUD: The  
21 sponsor yields.

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

1 definition.

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

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

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

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

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

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

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

13           But think about it. If you're the  
14 business owner, there's going to be a  
15 3,000 percent increase in the amount of people  
16 carrying these weapons -- that changes the  
17 dynamic on the default on why we should be  
18 thinking about being more affirmative in  
19 welcoming individuals with concealed carry.

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



1 can place restrictions and limitations on that.

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

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

15 SENATOR STEC: Will he continue to  
16 yield?

17 ACTING PRESIDENT PERSAUD: Does the  
18 sponsor yield?

19 SENATOR MYRIE: Yes.

20 ACTING PRESIDENT PERSAUD: The  
21 sponsor yields.

22 SENATOR STEC: Thanks.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 ACTING PRESIDENT PERSAUD: Does the  
15 sponsor yield?

16 SENATOR MYRIE: Yes.

17 ACTING PRESIDENT PERSAUD: The  
18 sponsor yields.

19 SENATOR STEC: Thank you.

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

25 SENATOR MYRIE: Through you,

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

6 SENATOR STEC: Thank you.

7 Madam President, if the sponsor will  
8 continue to yield.

9 ACTING PRESIDENT PERSAUD: Does the  
10 sponsor yield?

11 SENATOR MYRIE: Yes.

12 ACTING PRESIDENT PERSAUD: The  
13 sponsor yields.

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

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

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

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

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

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

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

1 that we should not be interfering in that.

2 SENATOR STEC: Madam President, on  
3 the bill.

4 ACTING PRESIDENT PERSAUD: Senator  
5 Stec on the bill.

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

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

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

1 and shot her in the head and killed her.

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

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

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



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

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

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

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

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

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

14                   I will be opposed.

15                   ACTING PRESIDENT PERSAUD: Thank  
16 you, Senator.

17                   Senator O'Mara.

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

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

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

4 ACTING PRESIDENT PERSAUD: Does the  
5 sponsor yield?

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

8 ACTING PRESIDENT PERSAUD: The  
9 sponsor yields.

10 SENATOR KAVANAGH: Yes,  
11 Madam President.

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

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

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

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

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

24 ACTING PRESIDENT: Does the sponsor  
25 yield?

1                   SENATOR KAVANAGH:    Yes,  
2    Madam President.

3                   ACTING PRESIDENT PERSAUD:    The  
4    sponsor yields.

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

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

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

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

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

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

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

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

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

7 ACTING PRESIDENT PERSAUD: Does the  
8 sponsor yield?

9 SENATOR KAVANAGH: Yes, Madam  
10 President.

11 ACTING PRESIDENT PERSAUD: The  
12 sponsor yields.

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

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

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

1 yield.

2 ACTING PRESIDENT PERSAUD: Does the  
3 sponsor yield?

4 SENATOR KAVANAGH: Yes, Madam  
5 President.

6 ACTING PRESIDENT PERSAUD: The  
7 sponsor yields.

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

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

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

22 SENATOR O'MARA: Thank you.

23 Madam President, if the sponsor  
24 would continue to yield.

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR KAVANAGH: Yes, Madam  
3 President.

4 ACTING PRESIDENT PERSAUD: The  
5 sponsor yields.

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

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

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

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

25 ACTING PRESIDENT PERSAUD: Does the



1 sponsor yield?

2 SENATOR KAVANAGH: Yes, Madam  
3 President.

4 ACTING PRESIDENT PERSAUD: The  
5 sponsor yields.

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

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

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

16 ACTING PRESIDENT PERSAUD: Does the  
17 sponsor yield?

18 SENATOR KAVANAGH: Yes, Madam  
19 President.

20 ACTING PRESIDENT PERSAUD: The  
21 sponsor yields.

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

1 16 hours of training required?

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

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

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

14 ACTING PRESIDENT PERSAUD: Does the  
15 sponsor yield?

16 SENATOR KAVANAGH: Yes,  
17 Madam President.

18 ACTING PRESIDENT PERSAUD: The  
19 sponsor yields.

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

1 hours?

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

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

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

21                   ACTING PRESIDENT PERSAUD: Does the  
22 sponsor yield?

23                   SENATOR KAVANAGH: Yes,  
24 Madam President.

25                   ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2 SENATOR O'MARA: Can any of the  
3 16 hours of required training be taken online?

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

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

9 ACTING PRESIDENT PERSAUD: Does the  
10 sponsor yield?

11 SENATOR KAVANAGH: Yes,  
12 Madam President.

13 ACTING PRESIDENT PERSAUD: The  
14 sponsor yields.

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

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

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

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

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

17 ACTING PRESIDENT PERSAUD: Does the  
18 sponsor yield?

19 SENATOR KAVANAGH: Yes,  
20 Madam President.

21 ACTING PRESIDENT PERSAUD: The  
22 sponsor yields.

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

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

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

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

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

1                   ACTING PRESIDENT PERSAUD:    The  
2 sponsor yields.

3                   SENATOR KAVANAGH:    Yes,  
4 Madam President.

5                   ACTING PRESIDENT PERSAUD:    The  
6 sponsor yields.

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

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

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

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

1                   ACTING PRESIDENT PERSAUD:    Does the  
2 sponsor yield?

3                   SENATOR KAVANAGH:    Yes, Madam  
4 President.

5                   ACTING PRESIDENT PERSAUD:    The  
6 sponsor yields.

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

11                   SENATOR KAVANAGH:    Yes,  
12 Madam President, undisputed.

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

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

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

25                   SENATOR O'MARA:    Through you,



1 Madam President, if the Senator will continue to  
2 yield.

3 ACTING PRESIDENT PERSAUD: Does the  
4 sponsor yield?

5 SENATOR KAVANAGH: Yes, Madam  
6 President.

7 ACTING PRESIDENT PERSAUD: The  
8 sponsor yields.

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

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

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

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

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

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

15                  ACTING PRESIDENT PERSAUD: Does the  
16                  sponsor yield?

17                  SENATOR KAVANAGH: Yes,  
18                  Madam President.

19                  ACTING PRESIDENT PERSAUD: The  
20                  sponsor yields.

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

25                  SENATOR KAVANAGH: Through you,

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

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

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

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

17 ACTING PRESIDENT PERSAUD: Does the  
18 sponsor yield?

19 SENATOR KAVANAGH: Yes, Madam  
20 President.

21 ACTING PRESIDENT PERSAUD: The  
22 sponsor yields.

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

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

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

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

17                   ACTING PRESIDENT PERSAUD:   Does the  
18   sponsor yield?

19                   SENATOR KAVANAGH:    Yes,  
20   Madam President.

21                   ACTING PRESIDENT PERSAUD:   The  
22   Senator yields.

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

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

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

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

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

18 ACTING PRESIDENT PERSAUD: Does the  
19 sponsor yield?

20 SENATOR KAVANAGH: Yes, Madam  
21 President.

22 ACTING PRESIDENT PERSAUD: The  
23 sponsor yields.

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

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

3 (Pause.)

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

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

11 SENATOR O'MARA: Thank you for  
12 that.

13 If the Senator will continue to  
14 yield.

15 ACTING PRESIDENT PERSAUD: Does the  
16 sponsor yield?

17 SENATOR KAVANAGH: Yes,  
18 Madam President.

19 ACTING PRESIDENT PERSAUD: The  
20 sponsor yields.

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

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

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

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

12 ACTING PRESIDENT PERSAUD: Does the  
13 sponsor yield?

14 SENATOR KAVANAGH: Yes,  
15 Madam President.

16 ACTING PRESIDENT PERSAUD: The  
17 sponsor yields.

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

20 SENATOR KAVANAGH: Through you,  
21 Madam President, yes.

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

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR KAVANAGH: Yes.

3 ACTING PRESIDENT PERSAUD: The  
4 sponsor yields.

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

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

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

25 SENATOR O'MARA: Through you,



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

3 ACTING PRESIDENT PERSAUD: Does the  
4 sponsor yield?

5 SENATOR KAVANAGH: Yes, Madam  
6 President.

7 ACTING PRESIDENT PERSAUD: The  
8 sponsor yields.

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

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

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

1 the resources to do it.

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

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

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

25 So -- but in the context of a state

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

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

12 ACTING PRESIDENT PERSAUD: Does the  
13 sponsor yield?

14 SENATOR KAVANAGH: Yes, Madam  
15 President.

16 ACTING PRESIDENT PERSAUD: The  
17 sponsor yields.

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

21 SENATOR KAVANAGH: Through you,  
22 Madam President, yes.

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

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

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

11 ACTING PRESIDENT PERSAUD: Does the  
12 sponsor yield?

13 SENATOR KAVANAGH: Yes, Madam  
14 President.

15 ACTING PRESIDENT PERSAUD: The  
16 sponsor yields.

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

24 SENATOR KAVANAGH: Through you,  
25 Madam President, yes.

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

3                   ACTING PRESIDENT PERSAUD:   Does the  
4   sponsor yield?

5                   SENATOR KAVANAGH:    Yes,  
6   Madam President.

7                   ACTING PRESIDENT PERSAUD:   The  
8   sponsor yields.

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

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

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

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

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

9           So I just want to make sure, since  
10 this is complicated and it does interact with  
11 other existing laws -- we have previously in this  
12 house passed a bill that allows up to 30 days,  
13 30 calendar days for a background check to be  
14 completed. That law is unchanged by this bill.  
15 But again, it's quite unusual that that length of  
16 time is involved in a background check. And  
17 again, it's usually in a circumstance where  
18 they're not -- where it requires somebody to  
19 review records and determine whether the  
20 particular individual that's been identified by  
21 the seller is in fact somebody who is prohibited.

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

1 contact somebody and sort that out.

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

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

12 ACTING PRESIDENT PERSAUD: Will the  
13 sponsor yield?

14 SENATOR KAVANAGH: Yes, Madam  
15 President.

16 ACTING PRESIDENT PERSAUD: The  
17 sponsor yields.

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

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

1 bill can be implemented through existing  
2 resources of the Executive.

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

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

13 ACTING PRESIDENT PERSAUD: Does the  
14 sponsor yield?

15 SENATOR KAVANAGH: Yes,  
16 Madam President.

17 ACTING PRESIDENT PERSAUD: The  
18 sponsor yields.

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

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

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



1                   ACTING PRESIDENT PERSAUD:    Does the  
2 sponsor yield?

3                   SENATOR KAVANAGH:    Yes,  
4 Madam President.

5                   ACTING PRESIDENT PERSAUD:    The  
6 sponsor yields.

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

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

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

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

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

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

17 ACTING PRESIDENT PERSAUD: Does the  
18 sponsor yield?

19 SENATOR KAVANAGH: Yes,  
20 Madam President.

21 ACTING PRESIDENT PERSAUD: The  
22 sponsor yields.

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

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

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

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

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

21                   ACTING PRESIDENT PERSAUD: Does the  
22 sponsor yield?

23                   SENATOR KAVANAGH: Yes,  
24 Madam President.

25                   ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

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

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

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

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

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

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

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

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

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

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

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

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

12 ACTING PRESIDENT PERSAUD: Does the  
13 sponsor yield?

14 SENATOR KAVANAGH: Yes, Madam  
15 President.

16 ACTING PRESIDENT PERSAUD: The  
17 sponsor yields.

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

25 SENATOR KAVANAGH: Through you,

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

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

6 ACTING PRESIDENT PERSAUD: Does the  
7 sponsor yield?

8 SENATOR KAVANAGH: Yes,  
9 Madam President.

10 ACTING PRESIDENT PERSAUD: The  
11 sponsor yields.

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

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

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

21 ACTING PRESIDENT PERSAUD: Does the  
22 sponsor yield?

23 SENATOR KAVANAGH: Yes,  
24 Madam President.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

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

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

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

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

17 ACTING PRESIDENT PERSAUD: Does the  
18 sponsor yield?

19 SENATOR KAVANAGH: Yes,  
20 Madam President.

21 ACTING PRESIDENT PERSAUD: The  
22 sponsor yields.

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



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

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

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

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

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

1 yield.

2 ACTING PRESIDENT PERSAUD: Does the  
3 sponsor yield?

4 SENATOR KAVANAGH: Yes,  
5 Madam President.

6 ACTING PRESIDENT PERSAUD: The  
7 sponsor yields.

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

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

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

20 ACTING PRESIDENT PERSAUD: Does the  
21 sponsor yield?

22 SENATOR KAVANAGH: Yes.

23 ACTING PRESIDENT PERSAUD: The  
24 sponsor yields.

25 SENATOR O'MARA: Do you know,

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

4 SENATOR KAVANAGH: Through you,  
5 Madam President, no.

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

9 ACTING PRESIDENT PERSAUD: Does the  
10 sponsor yield?

11 SENATOR KAVANAGH: Through you,  
12 Madam President, yes.

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

20 ACTING PRESIDENT PERSAUD: The  
21 sponsor yields.

22 SENATOR O'MARA: The shooter lived,  
23 according to Google Maps, about 6.7 miles, an  
24 11-minute drive, to a close store in Pennsylvania  
25 that certainly would have been accessible to him.

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

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

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

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

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

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

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

8 ACTING PRESIDENT PERSAUD: Does the  
9 sponsor yield?

10 SENATOR KAVANAGH: Yes,  
11 Madam President.

12 ACTING PRESIDENT PERSAUD: The  
13 sponsor yields.

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

19 SENATOR KAVANAGH: (Inaudible  
20 affirmative.)

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

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

1                   SENATOR KAVANAGH:    No.

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

5                   ACTING PRESIDENT PERSAUD:    Does the  
6   sponsor yield?

7                   SENATOR KAVANAGH:    Yes.

8                   ACTING PRESIDENT PERSAUD:    The  
9   sponsor yields.

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

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

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

21                  ACTING PRESIDENT PERSAUD:    Does the  
22   sponsor yield?

23                  SENATOR KAVANAGH:    Yes.

24                  ACTING PRESIDENT PERSAUD:    The  
25   sponsor yields.

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

5                   SENATOR KAVANAGH:    Yes.

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

9                   ACTING PRESIDENT PERSAUD:    Does the  
10                  sponsor yield?

11                  SENATOR KAVANAGH:    Yes.

12                  ACTING PRESIDENT PERSAUD:    The  
13                  sponsor yields.

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

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

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

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

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

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

8 ACTING PRESIDENT PERSAUD: Does the  
9 sponsor yield?

10 SENATOR KAVANAGH: Yes,  
11 Madam President.

12 ACTING PRESIDENT PERSAUD: The  
13 Senator yields.

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



1 denial.

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

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

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

1 their permit is being revoked.

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

5 ACTING PRESIDENT PERSAUD: Does the  
6 sponsor yield?

7 SENATOR KAVANAGH: Yes.

8 ACTING PRESIDENT PERSAUD: The  
9 sponsor yields.

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

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

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

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

1                   ACTING PRESIDENT PERSAUD:    Does the  
2 sponsor yield?

3                   SENATOR KAVANAGH:    Yes,  
4 Madam President.

5                   ACTING PRESIDENT PERSAUD:    The  
6 sponsor yields.

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

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

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

1 expressing frustration with that, I share it.

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

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

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

25 ACTING PRESIDENT PERSAUD: Will the

1 sponsor yield?

2 SENATOR KAVANAGH: Yes.

3 ACTING PRESIDENT PERSAUD: The  
4 sponsor yields.

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

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

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

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

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

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

11                   SENATOR O'MARA:     Thank you.

12                   Madam President, if the sponsor will  
13 continue to yield.

14                   ACTING PRESIDENT PERSAUD:     Does the  
15 sponsor yield?

16                   SENATOR KAVANAGH:     Yes.

17                   ACTING PRESIDENT PERSAUD:     The  
18 sponsor yields.

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

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

25                   Two wrongs don't make a right. And

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

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

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

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

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

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

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

15 (Laughter.)

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

20 (Laughter.)

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

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

1 minutes in here.

2 But, you know, sooner or later we've  
3 got to stop using the excuse around here that  
4 that's -- because that's the way you did it,  
5 that's the way it's been done before. And just  
6 because the Governor issues a message of  
7 necessity on something that's been in print for  
8 12 hours doesn't mean this body has to accept it.

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

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

23 Thank you, Madam President.

24 ACTING PRESIDENT PERSAUD: Thank  
25 you, Senator.



1                   Senator Lanza on the bill.

2                   SENATOR LANZA:     Madam President,  
3                   on the bill.

4                   I had a number of questions. I want  
5                   to thank my colleagues for the exchange; it has  
6                   been informative. I had a number of questions.  
7                   I will not have time to do that. Although the  
8                   Governor thinks so little of people that  
9                   yesterday she thought that we all had 12 or  
10                  14 hours just to sit around and do nothing while  
11                  she was not doing her job.

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

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

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

1 New York has been doing.

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

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

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

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

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

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

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

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

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

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

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

25 And it gets worse from there.

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

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

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

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

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

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

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

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

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

3                   When you live in a state where  
4     people giggle about the fact that they know that  
5     their ultimate goal is preventing people from  
6     exercising their Second Amendment right, then  
7     I've been here long enough to know that there are  
8     going to be people, as they promulgate these  
9     rules, that are going to try to do just that.  
10    They'll be laughing somewhere in an office in  
11    this building, saying, Hey -- I think it was  
12    Senator Stec, yeah -- let's define proficiency  
13    as, you know, hitting a one-inch target at  
14    400 yards. That'll get them. It's  
15    unconstitutional. But it will happen here, I  
16    promise you.

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

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

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

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

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

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

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



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

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

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

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

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

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

25           Dragged us up here. That's okay,

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

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

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

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

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

5 If you want to call an extraordinary  
6 session, if you want to call an emergency  
7 session, call it. We'll be here. But please,  
8 call it because you want to do something about  
9 \$5 a gallon gas. Call it because you want to do  
10 something about the out-of-control crime marching  
11 through the state. Call it, Governor Hochul,  
12 bring us back -- bring us back because you want  
13 to do something about the fact that New Yorkers  
14 are dropping dead every day from fentanyl  
15 overdoses that are being brought -- that are  
16 being put into the stream of commerce by the  
17 Communist Chinese Party coming through our open  
18 border in the southern border of Mexico and then  
19 being welcome, virtually welcome here in  
20 New York. Because if you didn't want the  
21 fentanyl to be here, you're doing a really  
22 piss-poor job of doing something about it,  
23 because New Yorkers are dying every day.

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

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

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

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

23 ACTING PRESIDENT PERSAUD: Thank  
24 you, Senator.

25 Are there any other Senators wishing

1 to be heard?

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

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

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

11 SENATOR O'MARA: I have a question.

12 ACTING PRESIDENT PERSAUD: Okay.  
13 Will the sponsor yield?

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

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

22 ACTING PRESIDENT PERSAUD: Thank  
23 you.

24 Will the sponsor yield?

25 SENATOR MYRIE: Yes.

1                   ACTING PRESIDENT PERSAUD:    The  
2    sponsor will yield.

3                   SENATOR O'MARA:    Thank you.

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

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

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

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

22                  ACTING PRESIDENT PERSAUD:    Does the  
23    sponsor yield?

24                  SENATOR MYRIE:    Yes.

25                  ACTING PRESIDENT PERSAUD:    The

1 sponsor yields.

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

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

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

15 ACTING PRESIDENT PERSAUD: Does the  
16 sponsor yield?

17 SENATOR MYRIE: Yes.

18 ACTING PRESIDENT PERSAUD: The  
19 sponsor yields.

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



1 certain trails or portions of trails?

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

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

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

17 ACTING PRESIDENT PERSAUD: Does the  
18 sponsor yield?

19 SENATOR MYRIE: Yes.

20 ACTING PRESIDENT PERSAUD: The  
21 sponsor yields.

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

25 Can an individual go hiking in the

1 Adirondacks and carry their concealed handgun  
2 with them?

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

5 Through you, Madam President, I'm  
6 sorry.

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

10 ACTING PRESIDENT PERSAUD: Does the  
11 sponsor yield?

12 SENATOR MYRIE: Yes.

13 ACTING PRESIDENT PERSAUD: The  
14 sponsor yields.

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

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

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

24 ACTING PRESIDENT PERSAUD: Will the  
25 sponsor yield?

1                   SENATOR MYRIE:     Yes.

2                   ACTING PRESIDENT PERSAUD:    The  
3 sponsor yields.

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

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

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

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

17                   ACTING PRESIDENT PERSAUD:    Does the  
18 sponsor yield?

19                   SENATOR MYRIE:     Yes.

20                   ACTING PRESIDENT PERSAUD:    The  
21 sponsor yields.

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

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

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

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

9 ACTING PRESIDENT PERSAUD: Does the  
10 sponsor yield?

11 SENATOR MYRIE: Yes.

12 ACTING PRESIDENT PERSAUD: The  
13 sponsor yields.

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

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

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

1 yield.

2 ACTING PRESIDENT PERSAUD: Does the  
3 sponsor yield?

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

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

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

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

18 ACTING PRESIDENT PERSAUD: Does the  
19 sponsor yield?

20 SENATOR MYRIE: Yes.

21 ACTING PRESIDENT PERSAUD: The  
22 sponsor yields.

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

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

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

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

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

20 SENATOR O'MARA: Thank you.

21 ACTING PRESIDENT PERSAUD: Thank  
22 you.

23 The debate is now closed.

24 The Secretary will ring the bell.

25 Read the last section.

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

3 ACTING PRESIDENT PERSAUD: Senator  
4 Harckham to explain his vote.

5 SENATOR HARCKHAM: Thank you,  
6 Madam President.

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

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

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

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

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

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

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

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

25                   Thank you.



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

4                   (The Secretary called the roll.)

5                   ACTING PRESIDENT PERSAUD:    Senator  
6   Jackson to explain his vote.

7                   SENATOR JACKSON:    Thank you,  
8   Madam President.

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

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

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

25                   The Supreme Court's poor reasoning

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

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

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

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

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

1                   Senator Hoylman to explain his vote.

2                   SENATOR HOYLMAN:   Thank you,  
3                   Madam President.

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

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

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

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

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

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

7 I vote aye.

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

10 Also Senator Harckham to be recorded  
11 in the affirmative.

12 Senator Kennedy to explain his vote.

13 SENATOR KENNEDY: Thank you,  
14 Madam President.

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

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

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

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

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

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

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

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

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

19 With that, Madam President, I vote  
20 aye.

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

23 Senator Gaughran to explain his  
24 vote.

25 SENATOR GAUGHRAN: Thank you,

1 Madam President.

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

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

14 You know, we heard a lot today about  
15 burdens. Burdens. It's a burden to have to  
16 obtain a concealed-carry permit pursuant to new  
17 rules that, as my colleagues pointed out, are  
18 rules that were suggested by the United States  
19 Supreme Court. It's a burden to have to take  
20 16 hours out of your life to make sure you have  
21 the proper training to carry and have a  
22 concealed-carry permit. It's a burden to make  
23 sure every three years you can prove that you  
24 have the proficiency to have a gun. And it's  
25 perhaps a burden because maybe some jurisdictions

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

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

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

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

25 So I would suggest to my Republican



1 colleagues, show just a little bit of courage.  
2 You know, the same amount of courage that  
3 15 Republican United States Senators recently  
4 showed us in Washington, D.C., when, as Senator  
5 Kennedy said, for the first time in decades they  
6 passed a sensible law to protect us from gun  
7 violence.

8 Madam President, I vote in the  
9 affirmative.

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

12 Senator Cleare to explain her vote.

13 SENATOR CLEARE: Thank you,  
14 Madam President.

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

21 There are far too many guns in the  
22 wrong hands in our communities and in our  
23 districts. Just this week alone, I had to attend  
24 services for a bright and burgeoning young man,  
25 21 years old, home just for the summer break --

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

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

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

22           Thank you.

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

25           Senator Myrie to explain his vote.

1                   SENATOR MYRIE:    Thank you,  
2   Madam President.

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

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

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

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

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

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

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

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

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

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

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

23                   I also thank the Governor.

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

1 think did a masterful job today.

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

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

8           Thank you, Madam President.

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

11           Senator Kavanagh to explain his  
12 vote.

13           SENATOR KAVANAGH:    Thank you,  
14 Madam President.

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

20           (Laughter.)

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

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

25           (Laughter.)

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

20 With that, Madam President, I vote  
21 aye.

22 ACTING PRESIDENT PERSAUD: Senator  
23 Kavanaugh to be recorded in the affirmative.

24 Leader Stewart-Cousins to close.

25 SENATOR STEWART-COUSINS: Thank you

1 so much, Madam President.

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

5 (Laughter.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 So, Madam President, I vote aye.

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

19 Announce the results.

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



1 Weik.

2 Ayes, 43. Nays, 20.

3 ACTING PRESIDENT PERSAUD: The bill  
4 is passed.

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

7 SENATOR KENNEDY: Thank you,  
8 Madam President.

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

12 ACTING PRESIDENT PERSAUD: The  
13 Secretary will read.

14 THE SECRETARY: Senate Resolution  
15 2, by Senator Stewart-Cousins, Concurrent  
16 Resolution of the Senate and Assembly relative to  
17 the adjournment of the Extraordinary Session of  
18 the Legislature sine die.

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

22 (Response of "Aye.")

23 ACTING PRESIDENT PERSAUD: Opposed?

24 (No response.)

25 ACTING PRESIDENT PERSAUD: The

1 resolution is adopted.

2 Senator Kennedy.

3 SENATOR KENNEDY: Thank you,  
4 Madam President.

5 I move to adjourn the extraordinary  
6 session sine die.

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

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

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