

FRIDAY, JULY 1, 2022

10:23 A.M.

ACTING SPEAKER PRETLOW: The House will come to order in Extraordinary Session.

In the absence of clergy, let us pause for a moment of silence.

(Whereupon, a moment of silence was observed.)

Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Pretlow led visitors and members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the proclamation by the Governor.

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

and the Assembly of the State of New York in Extraordinary Session at the Capitol in the City of Albany on the first day of July, 2022 at 2:00 a.m. for the purpose of considering legislation I will submit to -- to -- in -- with respect to addressing necessary statutory changes regarding firearms safety in a way that ensures protection of public safety and health after the United States Supreme Court decision in New York State Rifle and Pistol Association, Inc. v. Bruen and considering a concurrent resolution to enshrine equal rights in the State Constitution. Signed by Governor Kathy Hochul.

ACTING SPEAKER PRETLOW: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, have the Governor and the Senate been informed that the Assembly is organized in an Extraordinary Session and is ready to proceed with business?

ACTING SPEAKER PRETLOW: Yes, Mrs. Peoples-Stokes, they have been so informed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Then I offer the following resolution and I move its adoption.

ACTING SPEAKER PRETLOW: The Clerk will read the resolution.

THE CLERK: Assembly Resolution No. 2, Mrs. Peoples-Stokes.

Assembly Resolution relating to the bills introduced

during an Extraordinary Session.

ACTING SPEAKER PRETLOW: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. On the resolution. This resolution establishes a special approach by the Assembly for the Extraordinary Session that bypasses all of our committees and would only have the bills that are being introduced in special Session considered by the Rules Committee before it comes to the floor of the Assembly. We have several committees that are headed up by excellent chairmen and excellent rankers with expertise and focus on different areas of the law, and I think this Body would certainly benefit from a thoughtful, careful and thorough review and discussion by our committees. So, for example, we have a resolution that deals extensively with the rights of individuals to carry guns with a pistol permit following a comprehensive background review. Criminal background, mental health background, the full process of vetting. But under this resolution that bill would not be considered by the Codes Committee which normally would exercise that type of jurisdiction. So norm -- under normal procedures it would go to the Codes Committee, our Ranker is a former judge, Judge Morinello, great, very capable individual. Your Ranker on that is Mr. Dinowitz who just won his primary, another capable individual. And we would benefit from their wisdom and their evaluation. And likewise, there's a purported bill that's coming through that should go through Judiciary. And so here we are in special Session. Just speaking personally, I have not seen either bill that we're called here to Albany

to see, no Assembly bill numbers have yet been provided, and now we're being asked to waive the entire committee process, short circuit it, and instead of having a thoughtful, thorough, open, transparent discussion, it looks like our focus is to railroad legislation through on a special Session where we don't even have the bills.

For that reason I would recommend to my colleagues that they vote against this resolution. Thank you, Mr. Speaker.

ACTING SPEAKER PRETLOW: Thank you, Mr. Goodell.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Announce the results.

(The Clerk announced the results.)

The resolution is adopted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, members should be prepared for further floor action today. However, I now move that the House stand at ease.

ACTING SPEAKER PRETLOW: The House stands at ease.

(Whereupon, the House stood at ease.)

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ACTING SPEAKER PRETLOW: The House will come to order in Extraordinary Session.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, sir. Just very quickly, I didn't get a chance to bring a quote on yesterday. I wish to welcome everybody back but that's the greatest thing to be here when there are so many other things going on in the world. But because there's so many other things going on in the world, I did want to share this quote today. This one is from Albert Einstein. No need to explain who he was. Everybody knows who he is and how much he contributed to our society, particularly in a moral way. *The world will not be destroyed by those who do evil, but by those who watch evil and do nothing.* Again, those words are by Mr. Albert Einstein.

Mr. Speaker and my colleagues, members have on their desks a Calendar No. 1 for this Extraordinary Session. I now move to advance this two-bill calendar which we will take up immediately.

ACTING SPEAKER PRETLOW: On a motion by Mrs. Peoples-Stokes, Extraordinary Session Calendar No. 1 is advanced.

Extraordinary Session Calendar No. 1, page 3, Rules Report No. 1, the Clerk will read.

THE CLERK: Assembly No. A00001, Rules Report No. 1, Committee on Rules, Heastie. An act to amend the Penal Law, the General Business Law, the Executive Law, the Civil Practice Law and Rules and the State Finance Law, in relation to licensing and other provisions relating to firearms.

ACTING SPEAKER PRETLOW: On a motion by

Mr. Heastie, the Senate bill is before the House. The Senate bill is advanced. Governor's message is at the desk.

The Clerk will read.

THE CLERK: I hereby certify to an immediate vote.

Kathy Hochul, Governor.

ACTING SPEAKER PRETLOW: Mr. Goodell.

MR. GOODELL: Thank you, sir. Would the sponsor yield?

ACTING SPEAKER PRETLOW: Mr. Dinowitz, do you yield?

MR. DINOWITZ: Yes.

ACTING SPEAKER PRETLOW: The sponsor yields.

MR. GOODELL: Thank you, Mr. Dinowitz. As I understand it, this legislation imposes some multiple, like, 50 pages worth of new requirements on those who wish to carry a gun or get a pistol permit; is that correct?

MR. DINOWITZ: Did you say 50 pages?

MR. GOODELL: Yes. How many did you have?

MR. DINOWITZ: Well, I only have 21. Did I miss the other 30?

MR. GOODELL: I'm sorry the draft had 50. I'm glad to see that once we printed it out in final form it's shorter. I want to talk a little bit about this bill which defines sensitive locations as basically gun-free zones, right?

MR. DINOWITZ: Yes.

MR. GOODELL: And amongst those that are defined as a gun-free zone would be any place of worship or religious observance, correct?

MR. DINOWITZ: Yes.

MR. GOODELL: And as you know, we have a lot of different religious organizations, some very liberal, some very conservative. If there was a -- a religious organization that wanted to allow people who had a pistol permit to carry their weapon, could they opt out of this restriction?

MR. DINOWITZ: No.

MR. GOODELL: I see this also applies to summer camps. Boy Scouts have a merit badge for rifle marksmanship. Would this then prevent all Boy Scout camps from engaging in marksmanship on any of the other things that are associated with that merit badge?

MR. DINOWITZ: If it's a sensitive location then they would not be able to have loaded guns.

MR. GOODELL: So on page 8, line 54 it references summer camps. So Boy Scouts might be able to do this only if they didn't go to a summer camp?

MR. DINOWITZ: If it's a summer camp it's a summer camp.

MR. GOODELL: Okay. I see this also defines as a sensitive location public parks. Would that include the Adirondacks?

MR. DINOWITZ: I believe it would include the park -- the parks, but not necessarily where there's privately-owned land, because there are some people I believe who live there. So it would include the park.

MR. GOODELL: Okay. So the Adirondack Park but not the privately-owned land within the Adirondack Park.

MR. DINOWITZ: I believe that's the case.

MR. GOODELL: Now, I see that it prohibits anyone with a pistol permit.

MR. DINOWITZ: Hold on, I'm trying --

MR. GOODELL: I'm pausing because it looks like you have some additional clarification on that.

MR. DINOWITZ: No, no, I just was clarifying something else in anticipation of you saying something.

MR. GOODELL: Oh, okay. I -- I note that in subparagraph S it defines as a sensitive location any gathering of individually -- individuals to collectively express their constitutional right to protest or assemble, correct?

MR. DINOWITZ: Yes, that does say that.

MR. GOODELL: Does that mean, then, that there's a -- a demonstration and -- and there's a concern that it might become violent that nobody with a pistol permit could be in that area?

MR. DINOWITZ: Well, except the people who are exempted.

MR. GOODELL: Other than law enforcement. So

no private residents could have a gun, for example, at a Memorial Day parade or 4th of July event or any other public gathering?

MR. DINOWITZ: I believe that, but we're specifically talking about protests here.

MR. GOODELL: Or -- or assembly, right? It's protest or assembly.

MR. DINOWITZ: Yeah.

MR. GOODELL: Now this also bans the use or the possession of a gun on any private property, correct, unless the owner of the private property posts a sign saying guns are allowed; is that correct?

MR. DINOWITZ: That is correct.

MR. GOODELL: So if you're a tenant in a multi-unit apartment that's private property, the building is owned by somebody else, am I correct, then, that you would not be allowed to carry a license even if you had a pistol permit in the apartment building?

MR. DINOWITZ: So, the landlord would have control over his portion or her portion of the premises, but if you wanted to come in to say, *My house, don't bring your gun.*

MR. GOODELL: Okay. But -- but if the landlord doesn't say, *Guns are permitted on my apartment building* you would not be allowed to carry a gun on that --

MR. DINOWITZ: No, it would have to be some affirmative consent assigned, basically.

MR. GOODELL: And this bans the possession of a gun even by a licensed permit holder in any bar, restaurant or any place else that might sell alcohol; is that correct?

MR. DINOWITZ: Yes.

MR. GOODELL: And does that include -- okay, that's -- that's pretty clear, I think.

MR. DINOWITZ: And a pretty good idea, too.

MR. GOODELL: Well, it depends on your perspective, I'm sure.

Do we have any --

MR. DINOWITZ: No, it's a good idea, period.

MR. GOODELL: Do we have any data on how many murders or gun assaults have occurred by -- by those who are licensed permit holders in places of worship in New York State?

MR. DINOWITZ: I don't have that data.

MR. GOODELL: What about libraries? Do we have any data on how many people were killed by a permit holder, you know, someone with a pistol permit in a library?

MR. DINOWITZ: When you say "we" are you including you and I or collectively?

MR. GOODELL: Yeah. I -- I don't have any data.

MR. DINOWITZ: I don't either.

MR. GOODELL: Okay. And I would assume that applies likewise, no data on public playgrounds or public parks?

MR. DINOWITZ: No.

MR. GOODELL: And I see that this -- and that would apply to nursery schools, preschools and summer camps. We don't have any data, any murders committed --

MR. DINOWITZ: I don't have any data or data on anything on this entire list in terms of how many people have been murdered. The data I have in my head is that a lot of people are murdered, many of them by people who don't have permits, of course. But one thing I'm pretty clear on is that if somebody goes into a bar without a gun they're less likely to shoot somebody dead. Maybe they could punch somebody, but if they go in with a gun they can shoot somebody. And the same thing is true for all of these locations. So not having the guns in the sensitive locations, to me, is very important. And -- and keep in mind that what we're trying to do here, given these -- last week's Supreme Court ruling is to comply with that ruling which reversed a law in New York that was in effect for over 100 years, but while complying with it at the same time trying to protect people from being killed.

MR. GOODELL: And I appreciate your explanation on the purpose. Did the Supreme Court ruling in any way affect any law that currently bans a licensed permitted holder from carrying a pistol, for example, on a subway? Do we have any current law that bans a licensed permitted holder from carrying a gun on a subway?

MR. DINOWITZ: I -- I think -- and I have to just check my notes, but there are some areas right now where you cannot carry a gun. But the Supreme Court ruling essentially invited us to

produce a list of sensitive locations.

MR. GOODELL: Right. (inaudible) --

MR. DINOWITZ: -- (inaudible) so to comply with the Supreme Court, radical as it is, we came up with this list which I think is very smart.

MR. GOODELL: But is there any State law that currently bans possession of a gun even by a licensed permitted holder in a subway or bus?

MR. DINOWITZ: Not -- not that I know of.

MR. GOODELL: And I couldn't find anything either, by the way. So far you and I are pretty much on the same wavelength on that.

MR. DINOWITZ: Aren't we always?

MR. GOODELL: There's -- there's no New York law right now that bans possession of a pistol or -- or any gun for that matter, in libraries or museums or zoos or parks like the Adirondack Park. Am I correct there's no State law that currently establishes gun-free zones?

MR. DINOWITZ: No, but if we pass this there will be and that would make me very happy.

MR. GOODELL: So under current New York State law, the only gun-free zones, am I correct, are government buildings, schools, which are also a Federal gun-free zone, polling places and courts; is that correct?

MR. DINOWITZ: I -- I'd have to check but those are

certainly among them.

MR. GOODELL: Okay. Now, I see there's a lot of data that's been published recently about how dangerous people are that have a -- have been licensed to carry a gun, permit holders, and the most I think careful study was published by The Heritage Foundation, and they said that there was 801 documented cases of a murder committed by someone who has a pistol permit, in the nation, over a 15-year period. That'd be about 54, averaging 54 a year. Is that consistent with your information as well?

MR. DINOWITZ: I can't say it's consistent or inconsistent. What I can say is that I wouldn't take information from The Heritage Foundation to the bank. But I'm not saying it's wrong but I -- like, if I see something from them I really want a second source.

MR. GOODELL: And have you seen any other sources that indicate that the number of murders committed by those who have a pistol permit is higher than that number?

MR. DINOWITZ: The data we see concerns people who are murdered. And it -- it's kind of -- it's kind of shocking that the United States alone, among countries of the world, has so many murders; thousands and thousands. We might as well be at war given the number of people who are killed each year with -- with guns. And --

MR. GOODELL: (Inaudible) I'm aware of that data --

MR. DINOWITZ: And this is one of many efforts to try to do something about it, but at the same time -- and -- and we're really take our lead from the Supreme Court which essentially said, *Come up with a list of sensitive locations*. So these are the sensitive locations, and every one them I think are very important. And -- and I could tell you that, you know, in terms of private property - not that anybody I know has a gun - although maybe they do and I don't know about it, I suppose -- but I would be mortified if somebody came into my house with a gun without my knowing about it. But under this law they wouldn't be able to do that. And the same thing holds for these sensitive locations.

MR. GOODELL: Okay. And I wanted to just ask you about one hypothetical example, and the reason I'm asking this hypothetical is because it was actually reflected in the Supreme Court decision. If you have an individual in New York City, for example, that lives in a very dangerous neighborhood and they apply for a pistol permit and they go through the thorough background check, the 16 hours of mandatory training, the two hours of mandatory live target practicing and they pass everything with flying colors and they get a pistol permit under this new law, would that individual then be allowed to carry their gun with them through a very dangerous neighborhood on their way to and from work, say, on the second shift -- shift in the evening if, one, their employer didn't allow them to bring it, and the answer I think is no. You can't bring it to your employer unless your employer allows it, correct? They wouldn't be

allowed to carry it in the neighborhood and then get on a subway or bus or taxi, correct?

MR. DINOWITZ: Correct.

MR. GOODELL: They wouldn't be able to carry the gun out of their apartment if they lived in an apartment unless the landlord said that you could have a gun in the apartment, correct?

MR. DINOWITZ: Yes.

MR. GOODELL: So basically in that scenario that individual would not be able to have a meaningful right to carry a pistol at all, even if they pass the entire background check, correct?

MR. DINOWITZ: Well, I think it would be very difficult given the scenario that you just described

MR. GOODELL: Okay. Now, according to the NYPD and the MTA there were four people that were murdered in the subways last year by a handgun. Do you know if any of those involved somebody with a pistol permit?

MR. DINOWITZ: I actually don't know. I know that there were a number of people murdered since the pandemic. Some people were pushed and some people were shot. That's true.

MR. GOODELL: Thank you very much, Mr. Dinowitz. I appreciate your comments.

On the bill, sir.

MR. DINOWITZ: Any time.

ACTING SPEAKER PRETLOW: On the bill.

MR. GOODELL: Thank you very much. The U.S.

Supreme Court, as you know, just held that New York's concealed carry permitting law was invalid, and the irony is that in response to that this Legislature has proposed legislation that is actually more onerous and more restrictive than the bill that was struck down by the U.S. Supreme Court. Now, the U.S. Supreme Court said, and I quote, "Courts, and by analogy, legislators can use analogies to historic regulations of sensitive places to determine that modern regulations prohibiting the carrying of firearms in new and analogous sensitive places are constitutionally permissible." So the standard set by the Court is that you have to look at historic regulations and see if there's an analogy. That's exactly what we are not doing here, as my colleague correctly pointed out. New York State has never prohibited guns on subways or trains or buses or mass transit or libraries or museums or zoos or in your private residence if you happen to live in a multi-unit apartment, or on private property unless you're allowed by the owner, or in every single bar and restaurant in the State of New York that might serve alcohol. We have never done that, ever. And I'm not aware of any state in the nation that has that kind of gun-free zone that applies to virtually everywhere a normal citizen might be expected to walk or ride or be at or work at or live at. In short, there is no historical analogy. None.

Now, the Supreme Court talked for 50 or 75 pages about historical analogies and we are concerning legislation that completely ignores that. And the Supreme Court specifically gave an example of an individual who lives in a dangerous neighborhood who

wants to walk safely in that neighborhood at night and pointed out the one reason New York's law was invalid was because that very individual --

(Buzzer sounds)

-- would be barred and that is exactly what this legislation does. It fails to meet the minimum (inaudible) constitutional argument, and therefore I can't support it. Again, thank you to my colleague for his many answers. Thank you, Mr. Speaker.

ACTING SPEAKER PRETLOW: And Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER PRETLOW: Will the sponsor yield?

MR. DINOWITZ: Yes.

ACTING SPEAKER PRETLOW: The sponsor yields.

MR. REILLY: Thank you, Mr. Dinowitz. So, the first thing I wanted to ask about is the Federal Law Enforcement Safety Act and retired members of law enforcement. In this legislation it requires for those applying for a concealed carry permit to take a 16-hour class and two hours of live fire range training courses. So I just wanted to get it on the record. Since retired law enforcement officers already took that training and if they are qualified under Federal Law Enforcement Safety Act, also known as H.R. 218, they get qualified every year. Would this 16-hour

requirement, would they be exempt from that?

MR. DINOWITZ: They would be, yes.

MR. REILLY: Can you say it again, please?

MR. DINOWITZ: Yes.

MR. REILLY: Thank you. So it -- I just want to get that clarified for the record because it doesn't clearly state that in the bill. But they are -- but the retired law enforcement officers are exempt from this sensitive location, correct? There's a carveout for them?

MR. DINOWITZ: Yes.

MR. REILLY: Okay. So one of the other things I wanted to talk about with the sensitive location is what streets will define Times Square?

MR. DINOWITZ: I believe the City of New York would define that.

MR. REILLY: So we are deferring to another municipality the law that is about to be created by the State Legislature?

MR. DINOWITZ: Yes.

MR. REILLY: Have we ever done that before?

MR. DINOWITZ: Probably.

MR. REILLY: Can you give me an example of that?

MR. DINOWITZ: I -- I can't, but I'm sure we have.

MR. REILLY: So they're -- so what if they said that Times Square was the whole island of Manhattan? Would that be

okay to the State Legislature?

MR. DINOWITZ: Why would you think they would say that? Times Square is Times Square. Everybody knows Times Square.

MR. REILLY: Well, do you consider -- so is --

MR. DINOWITZ: Except me, I never leave the Bronx, so I -- I can't give you a good --

MR. REILLY: So is 47th Street and Broadway considered Times Square?

MR. DINOWITZ: You know how I would define Times Square -- but I'm not the City of New York -- I would define Times Square as the place where all the people gather on December 31st, but that's just me. But the City of New York, I'm sure, has a -- come up with a very specific and reasonable definition of what constitutes Times Square.

MR. REILLY: So -- well, that's the Crossroads of America, right, where Broadway and 7th Avenue co -- they come across each other, right? So Times Square where the ball drops, 42nd Street between 7th and Broadway, right there, right? But Times Square may be defined as 8th Avenue to 6th Avenue, from 36th Street to 47th Street. What are we looking at? We need to be a little more definitive, I think.

MR. DINOWITZ: I -- I think first they would have to -- they would have to have signs. Secondly, it is the Crossroads of the World. Okay, here. I got it. The area commonly known as Times

Square as such area is determined and identified by the City of New York provided such area shall be clearly and conspicuously identified with signage, which is what I just mentioned. They have to have signs.

MR. REILLY: So if they go -- so in your opinion, since you're debating the legislation, if the City determined that Columbus Circle, 59th Street and 8th Avenue, is now Times Square would that be acceptable?

MR. DINOWITZ: You know, it -- it's hard to respond to what I would consider - don't take this the wrong way - but a pretty absurd hypothetical. Times Square is Times Square, and it's a -- it's a very limited area. But it's also perhaps the most densely-pedestrian area anywhere in the United States.

MR. REILLY: And where would you define that most densely-populated area? Where would you --

MR. DINOWITZ: I would -- well, I would defer to the City of New York because as I said, I don't know know the answer. I don't go into Manhattan unless I have to.

MR. REILLY: Okay. All right. Fair enough. Fair enough. Is there anything in this legislation that increases the penalties for current laws on the books that violate -- for a violation of firearms?

MR. DINOWITZ: I believe we create two new crimes, and that would be a Class E felonies punishable by one to four years in jail. I don't know that we changed the -- the penalties for

current laws.

MR. REILLY: So those new laws that are being created, right, those statutes that are being created in this legislation, who would be subjected to prosecution in that?

MR. DINOWITZ: The people who violate those provisions.

MR. REILLY: And what would that violation consist of?

MR. DINOWITZ: The violation would consist of -- oh, here we are -- criminal possession of a firearm, rifle or shotgun in a sensitive location. So if they violated the provision with respect to sensitive locations they could be prosecuted for that.

MR. REILLY: Is there -- I'm sorry.

MR. DINOWITZ: And they would be subject to conviction of a Class E felony punishable by one to four years in prison.

MR. REILLY: What is one of the criteria of that -- of committing a crime that would violate that -- that statute?

MR. DINOWITZ: A person is guilty - and I'm looking at my notes here - a person is guilty of criminal possession of a firearm, rifle or shotgun in a sensitive location when such person possesses a firearm, rifle or shotgun in or upon a sensitive location and such person knows or reasonably should have known such location is a sensitive location. That's on page 8 of the bill if you check the bill.

MR. REILLY: Okay.

MR. DINOWITZ: And that's one of the two crimes. And there's a second crime similar regarding criminal possession in a restricted location.

MR. REILLY: Okay. Is there -- so is any of the criteria that the person has to be a concealed carry permit holder?

MR. DINOWITZ: Has to be a what?

MR. REILLY: A concealed carry permit holder.

MR. DINOWITZ: No. Either they violated the -- this provision, then the second provision is on page 10 of the bill when we're talking about restricted locations. Unless they're exempted then they can be held responsible if they knew or should have known that they were in a sensitive location or that they were in a restricted location.

MR. REILLY: Okay. So if someone has an illegal firearm and they're in Times Square, would they be charged with a Class E felony?

MR. DINOWITZ: If they're not exempted, yes, they could be.

MR. REILLY: Okay. Okay. So do you know of any other statutes that they may be charged with if they have a loaded firearm in Times Square?

MR. DINOWITZ: I'm sorry, say it again, please.

MR. REILLY: Do you know of any other statutes they may be charged with if they have a loaded firearm in Times

Square (inaudible) --

MR. DINOWITZ: Well, you're not -- you're not supposed to possess a firearm in and of itself if -- if it's illegal.

MR. REILLY: So they would -- that person would be arrested for, what, a Class C violent felony, illegally possessing a -- criminal possession of a weapon -- of a firearm?

MR. DINOWITZ: They could be arrested for two crimes. It happens all the time.

MR. REILLY: So the -- so the Class E felony that you described in this legislation, that's specifically targeting concealed carry permit holders, correct? Because the statute doesn't exist presently.

MR. DINOWITZ: No.

MR. REILLY: No?

MR. DINOWITZ: It -- it relates -- it -- it includes people -- if you come into Times Square, say, with a shotgun that's not a -- I mean, there are other things encompassed in this besides what you just mentioned.

MR. REILLY: So the current laws wouldn't cover the crime of having an illegal firearm in Times Square?

MR. DINOWITZ: Well, we don't need it.

MR. REILLY: So in other words, we don't need a Class E felony.

MR. DINOWITZ: Why?

MR. REILLY: We already have a Class (inaudible)

--

MR. DINOWITZ: -- (inaudible). Isn't your side of the aisle the ones that want more penalties? Well, here's more penalties.

MR. REILLY: You don't -- you hit a very interesting point there. Do we cover 16- and 17-year-olds that are carrying an illegal firearm? Do we make them go to criminal court to be held accountable or is that not included in this legislation?

MR. DINOWITZ: I don't know if that's relevant to this particular bill, but what -- we're creating two new crimes which people -- one of which because you probably can't do both at the same time -- one of which somebody could be charged with in addition to any other potential crime that they may otherwise be charged with.

MR. REILLY: So -- but the reason why this bill is being introduced is because -- it's strictly being introduced because of the changes by the Supreme Court of the United States in regard to concealed carry permits, correct?

MR. DINOWITZ: Well, the Supreme Court, as I said, pretty much invited us to make these changes.

MR. REILLY: I invited the Legislature numerous times to make changes to increase penalties for gun violence all across our City and our State and it doesn't happen. So --

MR. DINOWITZ: The Supreme Court invites, we try to accept. Now, I'm just reading that criminal possession of a weapon in the second degree, a person is guilty of criminal possession of a

weapon in the second degree when with intent to use the same unlawfully against another such person, possesses a machine gun, a loaded firearm, a disguise gun, such person possesses five or more firearms, such person possesses any loaded firearm, and it -- it goes on but I think you get the point. There are -- you know people can be -- it -- it's like -- maybe this is not a good comparison, but if you're driving a car and a -- and a -- an officer stops you, as you well know, often the officer will give out more than one summons because there could be more than one violation that you could be charged with. And the same thing would be true here. There could be different crimes that you could be charged with.

MR. REILLY: No, I understand that. There's lesser included offenses that get charged. I -- I understand that.

So let's shift a little gears here. Do you know how many shooting incidents there were in New York City year to date?

MR. DINOWITZ: No, I do not. I know that from -- it -- it went up significantly once -- after the advent of the pandemic. I believe - I could be wrong - I believe the number is actually down this year compared to last year, but last year was pretty bad.

MR. REILLY: So I'm going to give you a few stats on this and then follow up with a question. 634 people have been shot in New York City. All right? Shooting -- 634 shooting incidents, 758 people have been shot. All right? Multiple people in -- in the same incident. How many arrests? 2,388 for the possession of an illegal firearm, 1,799 incidents. So you may have an illegal gun in a car,

multiple occupants, they get arrested. Guns recovered, 2,063. Do you know how many of those were concealed carry permit holders that either committed the shooting, were arrested for the possession of the firearm or their guns were recovered?

MR. DINOWITZ: I -- I would imagine the number is very low --

MR. REILLY: It is.

MR. DINOWITZ: -- of the total. But I will say this: The -- the amount of guns that we have in this State is largely due to guns coming in from other states. And because the Congress is so split down the middle, the Federal government hasn't done much about it. Even with the new laws that were passed, that's not going to, in my opinion, resolve the problem until there's action not only on the State level but on the Federal level as well. We're going to still have this issue because it really does have to be dealt with federally, but that doesn't mean that we shouldn't do what we can do here on the State level. And keep in mind, the reason we're doing this is because of the plaintiff in the lawsuit, who brought the lawsuit, didn't have to bring a lawsuit but was successful in the lawsuit and got a 6-3 ruling by the Supreme Court on it. So thanks to them we're doing this. So, you're welcome.

MR. REILLY: Okay. So we're doing it thanks to them. I get it. I get it. So listen, I know you stated that we want to be tough on crime, right? We want to make sure that, you know, we hold those accountable, especially those that use a firearm. So in -- in

Bronx County, right, do you know what the average sentence that's issued for someone that's convicted of an illegal firearm?

MR. DINOWITZ: I -- I don't know the answer to that, but I will say that the question has zero to do with the bill because the bill has to do with a very narrow subject, which is to address the issue raised by the ruling in the Bruen case in the Supreme Court.

MR. REILLY: Well, we're -- we're -- actually it does, because we're talking about gun crimes, right, and we're talking about making sure that we have laws in place and we give enough -- enough resources to our police officers, to our district attorneys, right? So there are -- there are gun laws on the books already. So the answer to that question, the average sentence by the Bronx DA and the criminal justice system is five months for an illegal firearm. Five months. So there are enough laws on the books that we can hold people accountable, don't you think?

MR. DINOWITZ: I'm not dis -- I -- I believe in funding the DAs and the police. I'm not from the "Cut a billion dollars off the police" crowd. But this legislation is dealing with concealed carry permits. That's -- that's the subject of the legislation or the bulk of the legislation, and that's what we're trying to address here. And I will say this: I don't want somebody coming into my apartment with a gun. I don't want somebody in a park with a gun. I don't want somebody in a school and all these other places that are listed here if they're not exempt. And this attempts to address one

small part of a problem that we have, and it was -- and we're addressing it because a -- a law that was over 100 years old that was in effect through Republican and Democratic administrations alike served us as well as it could for all these years. But it was challenged, and the challenge was successful given the new alignment on the Supreme Court. And so as a result here we are, trying to react to it. I believe that what we're doing properly reacts to it. I believe -- I'm not a judge, but I believe it's constitutional and will -- it will be upheld if ever challenged. Time will tell.

MR. REILLY: Mr. Speaker, on the bill, please.

ACTING SPEAKER PRETLOW: On the bill.

MR. REILLY: So in essence the Supreme Court of the United States said that New York had a two-tiered system. We talk about equality in this room, in this Chamber, across the hall ad nauseam. Equality, equity, being fair. So someone that had the means and the resources to apply for a gun permit, they got it. Maybe they did a bank drop. They owned a business, they had to drop \$15,000 in cash each night. They got that permit. But the electrician who belongs to the union who just wants to defend their family because maybe they live in a high-crime area, they can't get that carry permit. Equity, equity, equity. We hear about it every day. We talk --

(Buzzer sounds)

-- about it here. That's all this did. It took away a two-tiered system and it created equity. Thank you, Mr. Speaker.

ACTING SPEAKER PRETLOW: Thank you.

Mr. Smullen.

MR. SMULLEN: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER PRETLOW: The sponsor will yield?

MR. DINOWITZ: I will.

ACTING SPEAKER PRETLOW: The sponsor yields.

MR. SMULLEN: Well, thank you. You've reflected on a couple of things that I want to ask you directly about. Have you read the decision in the New York State Rifle and Pistol Association v. Bruen in which Justice Thomas delivered the opinion of the court?

MR. DINOWITZ: I did read it, and I -- and you can't imagine how much respect I have for Justice Thomas.

MR. SMULLEN: Could you -- could you say that (inaudible) --

MR. DINOWITZ: You can't imagine how much respect I have for Justice Thomas and most of those judges. I did read it, and I won't give you my opinion of some of the stuff he said because I thought it was a little roundabout. I mean -- but it was a good history lesson.

MR. SMULLEN: Well, certainly it was a decisive opinion from the Court, a 6 to 3 decision. Do you exceed that New York must follow that decision because it's handed down from the U.S. Supreme Court?

MR. DINOWITZ: The -- the highest court in the land, and that's what we're doing here. The Court invited us to address the issue of sensitive locations, and it did say that there could be certain restrictions. We're doing exactly what the Court said.

MR. SMULLEN: And what -- what sensitive locations did the Court prescribe in that decision?

MR. DINOWITZ: Well, the Court didn't, so we did. I believe --

MR. SMULLEN: It gave some guidelines, I believe.

MR. DINOWITZ: I'd have -- yes, I'd have to just double-check the decision, but I believe that every one of these -- excuse me -- every one of these -- I guess that's 20 points, but we use letters -- complies with the decision.

MR. SMULLEN: So you're -- you're arguing, then, that the Court which handed down this decision which gave historical benchmarks, that all of the 20 areas in which New York has now put in as sensitive areas adhere to those historical guidelines that the -- that the Court set up as a litmus test for them?

MR. DINOWITZ: That's exactly what I'm arguing.

MR. SMULLEN: Good. I -- I appreciate that. What I wanted to do is continue with some of those actual sensitive areas. My colleague left off a little bit earlier, but one of them was that the -- that they would have to -- and this is letter K -- homeless shelters, runaway homeless youth shelters, family shelters, shelters for adults, domestic violence shelters, emergency shelters and residential

programs for victims of domestic violence. Is there historical examples of concealed carry not being allowed in those facilities at this time?

MR. DINOWITZ: This legislation would prevent that from happening.

MR. SMULLEN: No, I just asked you, the courts --

MR. DINOWITZ: I'm not aware that there's a history of -- of a ban on that --

MR. SMULLEN: I'll take that as a no.

MR. DINOWITZ: -- what we're doing here.

MR. SMULLEN: So no. Letter L, residential settings, licensed, certified, regulated, funded or operated by the Department of Health, nursing homes. Is there a prohibition on concealed carry in nursing homes in New York State at this time?

MR. DINOWITZ: No, that's what we're doing here.

MR. SMULLEN: Is there -- is there a prohibition in any other state that you know of?

MR. DINOWITZ: I don't know about other states. If you think I don't leave the Bronx then you could assume --

MR. SMULLEN: Letter -- letter M -- I -- I've got limited time, I apologize, Mr. Speaker -- but in or upon any buildings or grounds owned or leased by any educational institutions, colleges, universities, licensed private (inaudible) school districts, public schools, private schools licensed under Article 108 of the -- of the law, charter schools, non-public schools, boards of cooperative

educational services, special act schools, special preschools, special education programs, private residential or nonresidential schools for the education of students with disabilities and any State-operated or State-supported schools. Are you aware of any current laws that prohibit the concealed carry in those facilities?

MR. DINOWITZ: I'm not aware of that.

MR. SMULLEN: Okay. Thank you. Letter N has to do with public transportation. Public transit, subway cars, train cars, buses, ferries, railroads, omnibus marine or aviation transportation or any facility used for or in conjunction with service in the transportation of passengers, airports, train stations, subway and rail stations or bus terminals. Is it prohibited today in those areas?

MR. DINOWITZ: I don't know. What I'm looking at here, just to let you know, are many, many, many examples from around the country of similar locations where they do ban it. So whether or not there's an historical ban of concealed carry weapons in any of the places you mentioned really is not of any relevance since -- since the Supreme Court decision gave us permission, in fact invited us, as I've already said, to come up with an appropriate and reasonable list of places where we don't want people bringing in guns unless, of course, they're exempt under the provisions of this legislation.

MR. SMULLEN: But we're talking New York. And right now it's currently -- it's not prohibited to concealed carry in letter N. Now letter O, these is [sic] for license for premise for consumption of alcohol or the new cannabis control boards. Is it currently against

the law to concealed carry in bars at this point?

MR. DINOWITZ: Anybody who would argue that a gun --

MR. SMULLEN: I'm not asking a hypothetical --

MR. DINOWITZ: Please -- please. I'm not on trial here, I'm asking a question so please don't interrupt. I was saying that anybody who would argue that it's a good idea to have somebody in a bar who may ultimately it get drunk, have a gun on them, would -- that would be incredible to me. All of -- all of these points here from A through T are places where we believe, and I think most people including your constituents would believe, that it's a really bad idea for people to bring guns into.

MR. SMULLEN: Well, thank you for your editorial there. But however, none of those places are prohibited now under the current law and they haven't been and they're not consistently prohibited in other states. So it would seem to fail the historical test which the court has handed down as the litmus for New York State to handle. Letter P, any place used for the performance, art, entertainment, gaming, sporting events, theaters, stadiums, racetracks, museums, amusement parks, performance venues, concerts, exhibits, conference centers, banquet halls, gaming facilities, video lottery terminals licensed by the Gaming Commission. Currently allowed, not prohibited by current law. Any location being used as a polling place. That is one in which the court actually did prescribe. Courthouses and polling places. Letter R, any public sidewalk

restricted from general public access for a limited time, like the New York City Marathon, heightened law enforcement protection. Any gathering -- letter S -- of individuals to collectively express their constitutional rights to protest or assemble. You can't have a concealed weapon in a protest now. It's -- that didn't seem to be the case in the Summer of 2020. Letter T, the area commonly known as Times Square in which my colleague is going to note. I went through these areas because we're setting up what's going to be almost everywhere in New York State. You said earlier that public parks, including the Adirondack Park, State-owned land would be prohibited from this. I want to ask you specifically, is -- is the carrying of a hunting license, does that act as a -- an exception to the prohibition for being able to carry concealed in a -- in a lawful manner?

MR. DINOWITZ: I believe there is a hunting exception. By the way, the points in the court decision, they mentioned a few things like polling places I think to illustrate, to convey an idea but it wasn't an exhaustive list. Interesting that the courts thought it was a bad idea to have guns in courts.

MR. SMULLEN: So, I asked about the Adirondack Park. How would this bill affect the current laws in Upstate New York? How would this bill affect the current laws in Upstate New York? The Court set down a remedy for a -- a -- a law that primarily affects New York City. How is this law, with these sensitive areas, how is it now going to apply to all of Upstate New York?

MR. DINOWITZ: This -- this legislation would

apply to all of New York.

MR. SMULLEN: All of New York.

MR. DINOWITZ: Well, yes. It would apply to all of New York --

MR. SMULLEN: In the 20 categories.

MR. DINOWITZ: Could I finish, please? This -- we're pass -- we are the New York State Legislature, the New York State Assembly, we're passing the law for the State of New York. It's true that New York City is more densely-populated than the rest of the State, but this would affect the whole State. And there is specifically in there an exemption where it says persons who lawfully engaged in hunting activity, including hunter education training. So that -- that is an exemption. But yes, this is a Statewide law, this is not a New York City law.

MR. SMULLEN: So we've -- we've tried in the past to suggest legislation that would remedy the problems that led to this decision from the Supreme Court, including one that I (inaudible) which is that the SAFE Act would only apply to the five counties of New York City. Unfortunately, this Body rejected that repeatedly for years and years and years, and it would have precluded something like this coming up where in this case the Federal court system has to now remedy what's a violation of the Constitution by State laws.

MR. DINOWITZ: Well, here's your remedy. This is it. Right? This is the remedy.

MR. SMULLEN: Thank you very much.

MR. DINOWITZ: You're welcome.

MR. SMULLEN: Mr. Speaker, on the bill.

ACTING SPEAKER PRETLOW: On the bill.

MR. SMULLEN: So, this is very clear in my mind when Justice Thomas actually delivered the opinion of the Court. What he said was this: "In District of Columbia v. Heller from 2008 and McDonald v. Chicago in 2010 we recognized that the Second and Fourteenth Amendments protect the right of an ordinary law-abiding citizen to possess a handgun in the home for self defense. In this case petitioners and respondents agree that ordinary law-abiding citizens have a similar right to carry handguns publicly for their self-defense. We, too, agree and now hold consistent with Heller and McDonald that the Second and Fourteenth Amendments protect an individual's right to carry a handgun for self defense outside the home. The parties nevertheless dispute whether New York's licensing regime respects the constitutional right to carry handguns publicly for self defense. In 43 states the government issues licenses to carry based on objective criteria, but in six states, including New York, the government further conditions issuance of a license to carry on a citizen's showing of some additional special need. Because the State of New York issues public carry licenses only when an applicant demonstrates a special need for self defense, we conclude that the State's licensing regime violates the Constitution." I think it's very clear from this bill that we've been presented today, which has only recently been made available to this Body or to the public at-large, with 20 areas that are

now deemed sensitive spaces in direct contravention of the three areas that are mentioned in the Supreme Court decision, that the reality is being shown for what it is. This is the SAFE Act. Not only Version 2.0 but Version 3.0 thrown in. Where virtually everywhere in New York State, not just New York City, everywhere in New York State it's now going to be prohibited by New York State law to do the very things that a 6 to 3 majority opinion of the United States Supreme Court required New York to abide by. This is egregious. It is unconstitutional. And it shows the disdain that this Body has for the highest court in the land because they do not agree with the decision handed down. And there are many more areas of this law that we are proposed to pass today that can be argued about. Requirement of people to have to be trained to a very high level, higher than even law enforcement are trained, in order to be issued a pistol permit. And we don't even know yet who are going to be authorized as licensing officers to now license many more tens of thousands, if not hundreds of thousands of our citizens who today when this law gets passed could become violators of various crimes, new crimes, that they're unaware of that are being put forth by this Body in a reaction of anger and disrespect towards the highest court of the land. We cannot agree with this. We cannot abide by a decision such as this. And I think it's incumbent upon all citizens and their representatives in this Body to vote no for this clearly unconstitutional reaction to being told by the highest court in the land what we shall do as a State when it comes to the Second Amendment rights of our citizens where the Second

Amendment says that these rights shall not be infringed.

I urge all of my colleagues to vote no, and I urge everyone, all the citizens that are hearing this message around New York to call their representatives, to call the Governor for this grandstanding event where we've come together in an Extraordinary Session for the sole purpose of flouting the United States Supreme Court. Mr. Speaker, I vote no.

ACTING SPEAKER PRETLOW: Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker. Would the sponsor yield for some quick questions, please?

ACTING SPEAKER PRETLOW: Will the sponsor yield?

MR. DINOWITZ: Are they really going to be quick?

MR. DURSO: Well, each one might be quick but there's numerous. So that's okay.

MR. DINOWITZ: It's perfectly fine.

MR. DURSO: Thank you, Mr. Dinowitz.

ACTING SPEAKER PRETLOW: I assume the sponsor yields?

MR. DINOWITZ: Yes, yes.

MR. DURSO: Thank you very much, sir. So, I'm just going to jump around a little bit through the bill if that's okay. So one of the provisions in the bill in relation to body armor. It says the bill amends Section 20 -- 270.20 of the Penal Law saying definition of body armor to mean any product that is personal protected body

covering intended to protect against gunfire. So now obviously it's just amending some of the language, correct, in regards to what body armor is or consists of?

MR. DINOWITZ: Yes.

MR. DURSO: So -- and -- and I understand -- it's more of an opinion, but just wondering why that we didn't see that it was necessary at this time -- at the end of Session we obviously had a -- a group of gun bills that we voted on, one being body armor, and there was no carveout for EMS workers, fire personnel, school safety officers, anything like that, why we thought that now might not be a good time since we were brought back in for Extraordinary Session and this is in the bill why we wouldn't add those in now.

MR. DINOWITZ: Well, this is an extraordinary idea to put it in the bill so it's in this bill, and it became clear to us in the past few weeks that this made a lot of sense.

MR. DURSO: But -- but -- so it made a lot of sense to change the definition of body armor but not who can actually wear it, including those workers that are EMS workers, fire workers, school safety officers, so we thought it was important enough to put this in there to amend the language in it but just not to protect the people who need to wear it, correct?

MR. DINOWITZ: Yes. This -- this conforms our definition to the Federal definitions. It doesn't make any changes with respect to, you know, who can wear body armor but it -- it just simply conforms the definition.

MR. DURSO: Okay. So again, so we're not changing it all right now, it's just changing the definition to match up with the Federal definition, correct?

MR. DINOWITZ: Yes. And -- and if you look, the changes regarding body armor are very -- very straightforward and simple here.

MR. DURSO: Okay, understood. Mr. Dinowitz, and so just in regards to some of the areas that we had spoke about, polling places were one that came up. It may be a silly question, but polling places we know sometimes are schools, churches. Depending on the area that you live in, it could be a more rural area. So the fact that you can't carry a weapon inside or a gun -- excuse me, a handgun with a concealed carry license in a polling place, what about when it's not polling time? So in other words if you have a community center, let's say, that in a rural area you use as a polling site. When it's not time to vote, if it's not election season, does that rule still apply?

MR. DINOWITZ: It's a polling site when it's a polling site. When it -- on election time, on primary day. Let me just --

MR. DURSO: (Inaudible)

MR. DINOWITZ: Any location being used as a polling site. So that's like two or three times a year.

MR. DURSO: So just currently at the time when there's actually --

MR. DINOWITZ: If there's an election.

MR. DURSO: Voting (inaudible).

MR. DINOWITZ: More than two or three times because we have early voting.

MR. DURSO: Correct. But say in the middle of -- I'm just using March, let's just say, and it's a community center, right, that you in your local rural area use as a polling site. Those rules would not comply during that time?

MR. DINOWITZ: That -- that specific provision would apply to when an election is taking place at that site.

MR. DURSO: Thank you.

MR. DINOWITZ: In other words it's -- let's just say it's not a polling site if there's no election going on.

MR. DURSO: Okay, perfect. Thank you. That's -- that answers the question.

Another question I had is any gathering or, you know, assembly protest, right, you cannot carry if you have a concealed carry at that time, correct? You were -- you were saying before, so --

MR. DINOWITZ: Yes.

MR. DURSO: Now just for instance, let's say that I am partial to one party. Now, we all know in this Chamber, we don't see party, right, we just sit here and vote. But if I was partial to one party and let's say I had a meeting of people in that party, right? Would that constitute "assembly" based on constitutional rights? So saying if I had a room full of Republicans, right, and said I'm having a Republican meeting but some of the people that come are carrying

because they have a concealed carry license. Is that considered assembly and are they breaking the law at that time?

MR. DINOWITZ: It's -- the provision simply says any gathering of individuals to collectively express their constitutional right to protest or assemble.

MR. DURSO: Right. So if I'm assembling a -- if I call today, I'm the leader of the East Lake Avenue Republican Committee and I have 35 people show up when we assemble as Republicans and I have three people in there that have a concealed carry license, are we breaking the law because we assemble under being a Republican Party? That's just my question.

MR. DINOWITZ: I have a feeling you might have more than three, but that's a separate issue.

MR. DURSO: Definitely.

MR. DINOWITZ: If I were in charge I would not think that that would be the case, but that's just me.

MR. DURSO: But I just -- I again, and I'm --

MR. DINOWITZ: I think when they talk about -- I think the word "protest" or "assemble" you have to look at it together. So my -- the way I look at it we're talking about an outdoor event.

MR. DURSO: So I -- (inaudible).

MR. DINOWITZ: It's probably an outdoor event.

MR. DURSO: Okay. So more for the legislative record, if I have my local Republican meeting and three people come and we assemble, right, to have a -- a rally for a candidate, right,

would then -- if I'm rallying for a Republican candidate and I have a concealed carry license, am I breaking the law? This is -- I mean, it's -- and it says right here, assemble.

MR. DINOWITZ: Well, here's -- here's my advice.

MR. DURSO: Sure.

MR. DINOWITZ: People going into a big political meeting, like we have every year a county committee meeting. We could have hundreds of Democrats there, but it could just as easily be 100 Republicans if it was somewhere not where I live. I -- I can't imagine that you'd want people coming in there with -- with concealed guns one way or the other, but I would think that if it's -- if it's not a clear -- if it's not a clear case, that's for a judge to decide. So it's a question of fact, I would think.

MR. DURSO: So, I mean, you gave your opinion, right?

MR. DINOWITZ: (Inaudible)

MR. DURSO: You think it's a good idea, but my question is we're debating the law that we're now writing and that I'm sure will be signed into law instantaneously -- I mean, we're waiting for hundreds of other bills to get signed. Those won't get done but good thing we're working hard.

MR. DINOWITZ: Well, we've got all year to do those, though.

MR. DURSO: But my question to you is, tomorrow, if this is signed, the next day I go to have a rally for our Republican

Governor candidate or any candidate throughout Long Island, and I'm assembling, right, under the statute of that we're Republicans. Am I breaking the law? I know you said that you wouldn't suggest it, but since we're arguing the law I just wanted to know what the law was.

MR. DINOWITZ: Well, I can't say that I'm the final authority on this, but I would say if there's a political rally that I would think this would be covered.

MR. DURSO: So you're saying it would -- we'd be breaking the law.

MR. DINOWITZ: I think that it would be covered. That's what I think.

MR. DURSO: I understand you're saying it would be covered, so you're saying --

MR. DINOWITZ: As a sensitive location, yeah.

MR. DURSO: So that would be a sensitive location?

MR. DINOWITZ: I think so.

MR. DURSO: Okay. That -- that's -- so you feel, for the legislative record, standing here, we have a political rally and I am fully licensed to carry and I go to it, I am then breaking the law?

I mean, I didn't think we'd spend this much time on this question, but...

MR. DINOWITZ: I mean, it -- it says here -- and I'll read it again -- any (inaudible) individuals to collectively express their constitutional rights to protest or assemble. So a political rally --

MR. DURSO: Right.

MR. DINOWITZ: I -- I believe, would come under that.

MR. DURSO: Okay. So just so I know, when I go home and we have a political rally as Republicans, right, as you just said, you -- you wouldn't suggest having --

MR. DINOWITZ: Well, I wouldn't suggest that. If -- if you're going to be at a rally with your Republican friends, why would you need a gun in the first place?

MR. DURSO: No, well maybe it's just when I'm walking back out of the place. But either way, we now just, understanding so that we'd be breaking the law by rallying together but my constitutional right and according to even New York State's new bill --

MR. DINOWITZ: Unless you come -- unless you come under the list of exemptions under the bill.

MR. DURSO: Correct. I'm just saying me. Because I don't fall under any of the list of exemptions. So me, if I went out and got a carry license, a full concealed carry, and I go to a political rally that maybe we -- we picked an area that's just an unsafe area and I'm bringing my children with me and I want to make sure they're protected. But because I'm going to a political rally --

MR. DINOWITZ: I don't know -- I don't know where you come up with these hypotheticals.

MR. DURSO: (Inaudible)

MR. DINOWITZ: You're having -- you're having a

political rally but may be bringing it into an unsafe area, maybe you're going to bring your children. I'm really --

MR. DURSO: Well, I -- I can come up with some crazy hypotheticals but you also gave me your opinion and wouldn't tell me what the law states. So --

MR. DINOWITZ: There's no law yet, there's legislation.

MR. DURSO: Well, I -- I know, but this will be signed tomorrow, so therefore there will be a law. I just want to know clearly what it says in the law and we -- we can't answer it yet.

MR. DINOWITZ: Well, no, I gave you an answer --

MR. DURSO: Okay.

MR. DINOWITZ: -- and it could be signed today, it could be signed tomorrow. It won't take effect until September 1st. But I'm just reading what it says.

MR. DURSO: I just wanted clarity.

MR. DINOWITZ: And as a person and I can read, and it -- it says what I just said.

MR. DURSO: I just wanted clarity. Thank you, sir.

MR. DINOWITZ: Okay.

MR. DURSO: Just another portion of it was when you're going for your concealed carry license requirements, the issuing entity, whether it's a county, State, whether -- however it's going to go, you will then have to give them three years prior to the date -- excuse me, let me just get the language here -- they check into a list of foreign

or current social media accounts for the applicant for the past three years to confirm information regarding applicant's character and conduct. Now, so let's just say it's our local police chief or it's the county clerk or however -- I know counties and cities and towns work differently that issue it. They look at my social media. Who decides upon whether the conduct of my social media is good enough to receive that?

MR. DINOWITZ: I believe that very early in the bill -- let me just turn to it -- it defines good moral character on page 2. Is that what you're -- I guess that's what you're asking?

MR. DURSO: Yes. So -- and if you have that answer, sir, I apologize. Could you tell me what good moral character means in this legislation?

MR. DINOWITZ: *Which for the purposes of this article shall mean having the essential character, temperament -- temperament and judgment -- they spelled judgment wrong -- necessary to be entrusted with a weapon and to use it only in a manner that does not endanger oneself or others.* But in addition, the licensing official should have to go by these guidelines to make a decision.

MR. DURSO: So the licensing official has some sort of discretion, correct? In regards to my social media.

MR. DINOWITZ: Yes, but within very narrow parameters. And once the licensing official makes a decision, if the person doesn't like that decision there's an appeals process and it's to

guarantee that there's -- basically that there's due process so that nobody is -- is judged unfairly.

MR. DURSO: Right. So I understand there's language here but it's -- it is a little broad to understand that the licensing person has to look at these and see if you're in good moral conduct in standing in -- in the scope of those couple of words, correct? So it's really up to one individual whether or not they feel that your conduct is moral, correct?

MR. DINOWITZ: The -- the licensing official has to look at the -- there's a list of things here which I'll -- I'll review with you very quickly. There's an in-person interview, and at the in-person interview the -- with the licensing official, as -- as you probably read, they have to provide certain information about names of -- of family members, whether there's a minor child at home, for character references.

MR. DURSO: I'm just talking specifically about the social media portion.

MR. DINOWITZ: Well, it says here you have to provide a list of former and current social media accounts of the applicant for the past three years. I mean, I think we've seen from some of the horrible things that have happened when they looked back at some of the social media, you know, maybe there were signs that something bad could have happened. So all this information has to be available to the licensing official. That official ultimately makes a decision, that decision can be appealed. There's an appeals process.

And it's -- it's meant to be as fair as possible to everybody.

MR. DURSO: Okay. Thank you. And -- and just one last question with the minute that I have left, sir. When it comes to private businesses, right, (inaudible) so if you do not have a sign up, correct, it is supposed to be understood that you are not allowing people to come in with a firearm, correct?

MR. DINOWITZ: Right. You're going to have to put signage or some other kind of authorization.

MR. DURSO: So -- so if you are allowing people to come in with a firearm you have to specifically have a sign up that says, *People carrying firearms are welcome here*, correct?

MR. DINOWITZ: Yes.

MR. DURSO: Is there any -- is there any portion of the legislation saying where the sign has to be, how big it has to be, how viewable it has to be? Does it have to be in multiple languages? I'm mean, we do those bills all the time here. I'm just asking.

MR. DINOWITZ: (Inaudible) I could -- I could double check the bill, (inaudible) page, I'd have to look, but I don't believe that kind of specifics is in there.

MR. DURSO: There -- there's not. So just to say, I could put up a sign that I could read but you can't, then we're okay, correct, even if it's written in really small lettering?

MR. DINOWITZ: You could also give verbal authorization.

MR. DURSO: So every time someone walks in you

could say, *If you have a gun, you're allowed.*

MR. DINOWITZ: If you say it to everybody equally, yeah.

MR. DURSO: Okay. And my last question is, if --
(Buzzer sounds)

I ran out of time. I love our conversations.

MR. DINOWITZ: Maybe you can pass the question on to somebody else.

ACTING SPEAKER PRETLOW: Mr. Durso, your time has expired.

MR. DURSO: Thank you, sir. Thank you, Mr. Speaker.

ACTING SPEAKER PRETLOW: Mr. Lemondes.

MR. LEMONDES: Thank you, Mr. Speaker. Mr. Lemondes, for the record.

ACTING SPEAKER PRETLOW: Lemondes.

MR. LEMONDES: Thank you. Will the sponsor yield?

ACTING SPEAKER PRETLOW: Will the sponsor yield?

MR. DINOWITZ: I will.

ACTING SPEAKER PRETLOW: The sponsor yields.

MR. LEMONDES: Thank you. I -- I just want to make sure I understand, we are operating here today under emergency

authority, Executive Order 11.7, expiring July 14th, correct?

MR. DINOWITZ: I'm sorry?

MR. LEMONDES: So this is -- we're operating under emergency authority here, correct?

MR. DINOWITZ: Operating under emergency authority for what?

MR. LEMONDES: The -- what brought us here.

MR. DINOWITZ: What brought us here was a Supreme Court decision from last week. The -- the Governor called for a special Session or an Extraordinary Session of this Body of the Legislature to address this issue.

MR. LEMONDES: Correct. And the -- the emergency authority to do that was Executive Order 11.7, correct?

MR. DINOWITZ: I -- I -- I don't know.

MR. LEMONDES: That's what I have. So -- so (inaudible) --

MR. DINOWITZ: The Governor has the authority to call a special Session.

MR. LEMONDES: So is this an emergency?

MR. DINOWITZ: Is this an emergency? Some people might think it's an emergency. The Governor at any time -- this is not -- maybe you're thinking about the COVID emergency order? If you are, that's not what this is. The Governor at any time has the authority to call an Extraordinary Session of the Legislature to call us back with a -- with a particular agenda. In this case it was this

bill but now it's two bills. That's why we're here, because the Governor called us back.

MR. LEMONDES: So eight days after the Supreme Court ruling we are here under, I guess, emergency conditions.

MR. DINOWITZ: I don't know that I would use the word "emergency." That's not -- I don't recall seeing the word "emergency" anywhere.

MR. LEMONDES: I -- I -- I beg to differ.

MR. DINOWITZ: I could -- I could look -- I could look at the proclamation on my phone if -- you know, I'm not going to go searching for it. (Inaudible) emergency was in it, but it's certainly not under an emergency order. We've had special Sessions of the Legislature many times over the years and this is one of those times.

MR. LEMONDES: And it's in -- in response to a Supreme Court ruling, correct?

MR. DINOWITZ: It's as a result of a Supreme Court ruling. We have legislation that would address the issues raised, comply with the ruling itself. Yes, we're here because of that ruling.

MR. LEMONDES: And would you think that is an abuse of power? Would the average New Yorker think that may be an abuse of power?

MR. DINOWITZ: I would think the average New Yorker would think the exact opposite. They would think we're doing our job in order to comply with the law in order to enact laws that would make people safer. So I guess I interpret it very differently than

you in terms of overdoing it.

MR. LEMONDES: People from other parts of the State might interpret this to be an infringement on something that was affirmed by this highest court in the land.

MR. DINOWITZ: Well, you know, it -- it's really interesting. I've never heard until maybe last week anybody from your side of the aisle ever say how important it is to, you know, to comply with the Supreme -- the United States Supreme Court rulings, but I guess, you know, the pendulum has swung temporarily. Give me one second, please. So, I just want to read this quickly because it was in response to your -- your previous question. The -- the proclamation that was issued by the Governor said, *Pursuant to the power vested in me by Article IV, Section 3 of the Constitution, I hereby convene the Senate and the Assembly of the State of New York in Extraordinary Session at the Capitol on, you know, day, time and place, considering legislation I will submit with respect to addressing necessary statutory changes regarding firearm safety in a way that ensures protection of the public safety and health after the United States Supreme Court decision in New York State Rifle and Pistol Association, Inc. v. Bruen.*

MR. LEMONDES: Perfect. Thank you for reading that. Do you think the average New Yorker would think that what's being proposed here is in their benefit --

MR. DINOWITZ: Yes.

MR. LEMONDES: -- or not?

MR. DINOWITZ: I believe the average New Yorker

and the vast majority of New Yorkers, in fact, would believe that what we're doing is definitely in their benefit.

MR. LEMONDES: Again, we differ considerably on this. Do you think that this is an attempt the disarmament of law-abiding citizens?

MR. DINOWITZ: No.

MR. LEMONDES: Do you think that this is an attempt at making it more difficult for law-abiding citizens to exercise their constitutional rights?

MR. DINOWITZ: No. And nothing in here takes guns away from people that I've read. It just simply limits certain places where they can bring it or not bring it. (Inaudible) --

MR. LEMONDES: -- (inaudible). It's nearly impossible for them to comply with the law as some might interpret it.

MR. DINOWITZ: I'm sorry, say it again? Say the last thing again. I missed a part.

MR. LEMONDES: Making it impossible to comply with the law as some might interpret it.

MR. DINOWITZ: I don't believe this --

MR. LEMONDES: Should this become law. Hopefully it won't. Hopefully you'll vote against it with me.

MR. DINOWITZ: Well, I'm going to be voting in favor of it. I can't speak for anybody else here. But I -- I -- I think you're incorrect.

MR. LEMONDES: So are people moving to or from

New York, just out of curiosity, in your opinion?

MR. DINOWITZ: Well, it depends over what period of time you're talking about. Over the past -- in the Census which came out last year we had a significant increase in population. Our population went up significantly, which is why we hit the 20 million mark. Since the pandemic I believe we have lost people. Many people left because they wanted to be in a less crowded place, basically, from what I understand. And I'm (inaudible) --

MR. LEMONDES: -- (inaudible) interesting article in the *New York Post* --

MR. DINOWITZ: I'm in the middle --

MR. LEMONDES: -- 300,000 (inaudible) --

MR. DINOWITZ: I'm in the middle of a sentence, please.

ACTING SPEAKER PRETLOW: One person speak at a time.

MR. DINOWITZ: I'm in the middle of my sentence. And I believe a lot of the people who left left temporarily. Some people will never come back, some people will come back. But I think the trend over recent years, there's been an increase in population in New York and certainly in New York City that's been the case but Statewide it's been the case. And this -- we know the population went up.

MR. LEMONDES: Thank you. There -- let me qualify why I was asking that question. The information I'm working

off of is that the number of people that left New York State last year, 319,000, 1.2 million over the last decade. Do you think that laws like this, should it become law -- hopefully it won't, hopefully you'll vote against it with me -- do you think laws like this incentivize people to stay here or to leave? When it -- when their own State tries to -- tries to -- to eliminate something the Supreme Court has upheld?

MR. DINOWITZ: Not that it's relevant in the least, but the answer is I believe that this will incentivize people to come here. And by the way, if we lost 319,000 people over the past ten years we gained many more, which is why the population went up because population is new people coming in, new people being born minus people who died, minus people who leave and we had a significant increase in population. So apparently people want to be in New York. Now, the pandemic of course has distorted all these trends for obvious reasons. We had a lot of people who died. That's one reason why the population went down in the past few years. We've had, what, 70,000 deaths. I don't think we should ignore that. They didn't leave willingly.

MR. LEMONDES: Okay. I don't want go into the -- I wasn't going to the Governor's mandate to send people to nursing homes to die, that's not where I was going. But we all know that he did that.

Let me continue. Safe storage in this bill. Do you think that the safe storage aspects of this bill actually contribute to firearm safety?

MR. DINOWITZ: Yes. I think I would call it even safer storage because of the change that we made in the law within this bill.

MR. LEMONDES: And how will enforcement of this take place?

MR. DINOWITZ: The same way it would have taken place without this bill, meaning other current circumstances. Whatever the -- whatever enforcement there is, that's not going to be any different. What we do, the failure to safely store a shotgun, rifle or firearm is a Class A misdemeanor with a term of imprisonment of up to 364 days. In other words, just under one year. And it may change, I believe we make -- is that we apply those requirements not only to homes that have people 16 and under, but rather 18 and under.

MR. LEMONDES: That's an interesting point. To my colleague Mr. Reilly's point, the average criminal caught with an illegal weapon is imprisoned for five months, yet if I was to accidentally leave my gun cabinet unlocked you would put me in jail for a year, or 364 days I think you just said.

Thank you very much.

Mr. Speaker, on the bill.

MR. DINOWITZ: Well, I -- I would -- excuse me, I said up to a year and what you said is also irrelevant, but okay.

ACTING SPEAKER PRETLOW: On the bill.

MR. LEMONDES: Thank you. Due to the disingenuous nature and assault on constitutional rights of the average

citizen, the contribution to the greater exodus of our citizens from our State, the inability of law enforcement to actually go after the right groups of people here, the criminal justice system's inability to fix responsibility and accountability for crimes for the offending criminals and the disproportionate negative impact on rural minority and urban populations that the passage of this, should it pass, will create, I urge everybody to vote no.

Thank you, Mr. Speaker.

ACTING SPEAKER PRETLOW: Thank you, sir.

Mr. Gallahan.

MR. GALLAHAN: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER PRETLOW: Will the sponsor yield?

MR. DINOWITZ: Yes, I will.

ACTING SPEAKER PRETLOW: The sponsor yields.

MR. GALLAHAN: Thank you, sir. A few questions. First, whom, if any, stakeholders were consulted in this legislation, such as the New York State Police, the Sheriffs' -- Sheriffs' Association, any judges, any district attorneys or maybe the NRA that helped us put together our training course for hunter safety that many other states are emulating now?

MR. DINOWITZ: I believe various State law enforcement agents -- agencies were consulted.

MR. GALLAHAN: I'm sorry?

MR. DINOWITZ: Various State law enforcement agencies were consulted, and I believe, I think, that some of the DA's offices as well.

MR. GALLAHAN: So you don't know for sure.

MR. DINOWITZ: I don't have the list, sorry.

MR. GALLAHAN: So, another question. Are current pistol permit holders, such as myself for 42 years, are we grandfathered in to this program or are there steps that we have to take? For instance, I just completed my registration for my five-year registration recently. So (inaudible) --

MR. DINOWITZ: I think -- I think you're grandfathered in to the extent that you -- but you would still have to take the -- I think it's every three years, so you would have to do it next time. But that doesn't mean you would lose your permit.

MR. GALLAHAN: So, I -- I have to take the 15-hour course?

MR. DINOWITZ: Well, not right now. You have --

MR. GALLAHAN: But eventually. I'm going to have to -- after 42 years of safe gun handling, teaching kids how to -- how to handle guns, coaching, certified through the State, certified through national programs, I'm still going to have to take that 15-hour course.

MR. DINOWITZ: You know, a lot of people have -- I mean, I'm not -- I'm not trying to be cute here, but a lot of people

have -- I have to take 12 hours of legal training every year. A lot of people take various courses in order to keep up with what they need to keep up with. So this is not meant to be a penalty for anybody, so if -- if -- you would be in now once this is signed because you already have done what you need to do, but you have to, you know, do it periodically every three years just like everybody else.

MR. GALLAHAN: So can you explain to me how the background check for ammunition purchases is going to take place?

MR. DINOWITZ: I believe Mr. Zebrowski is going to address that.

MR. ZEBROWSKI: Sorry, could you repeat the question?

MR. GALLAHAN: Can you explain to me the process for the background check on ammunition purchases?

MR. ZEBROWSKI: Sure. You want me to, like, go through a hypothetical situation? Somebody goes into a -- buy ammunition, the -- the seller of -- of that ammunition would have to check that person's background, similar to purchasing a gun right now, and they would also enter that information into a new database that would be kept.

MR. GALLAHAN: So that's the same as NICS check that was used currently for purchasing a firearm?

MR. ZEBROWSKI: Well, we're changing that process within this legislation. So it will be a combination of that

database and additional, now, State databases.

MR. GALLAHAN: So what if there is a delay in that background check, as happens currently now quite often with background checks to buy a firearm? What -- what's the scenario then?

MR. ZEBROWSKI: Well, many of these background checks happen rather quickly, but the -- the maximum would be 30 days.

MR. GALLAHAN: So you have to wait 30 days to get your ammunition?

MR. ZEBROWSKI: I don't envision many situations being a 30-day wait, but certainly there are some situations where there are certain flags or additional investigations need to be made for some reason, there's some questions as to the person purchasing. And so they would have 30 days as opposed to, you know, some other situations where there's, you know, an arbitrary couple-day amount and where -- you know, there's been situations where folks have slipped through the cracks and, unfortunately, I think tragedies have resulted because of it.

MR. GALLAHAN: So, my wife and I are avid trap shooters and we travel all around the State and -- and other states shooting trap. Most all the national shoots and the State shoots have what they call a shell house where a vendor comes, in a local distributor, with an 18-wheeler full of shotgun shells and they sell them out of the trap house so that you don't have to carry shells with

you across the country. And they offer a discounted rate because they're selling so many at one time. So if you get to that shoot, you have no shells and you are rejected by the NICS after you spent all that money on motels, registration. Have -- have you taken any of that into account?

MR. ZEBROWSKI: Well, if you were rejected because you have a domestic violence --

MR. GALLAHAN: No, no, no. Just brief, I know -- I've been -- I've bought many firearms in my day and I have had to wait. It used to be three days and they gave you your -- your firearm. Now it's 30 days. And I had to wait twice on the three days. I was -- I was clean as clean could be.

MR. ZEBROWSKI: So, we're not changing -- that -- that 30 days isn't -- isn't a new requirement in this bill. That's already the law.

MR. GALLAHAN: I understand that, and I have been through it many times. And like I just stated, I have had several occasions, three occasions in my lifetime, where the NICS check, it didn't come back. It didn't come back positive or negative. It didn't come back. The old -- the old bill was three days, you got your firearm. Now it's 30 days to get your firearm. You can't go three or 30 days to get your ammunition if you're out at -- at a State shoot somewhere here in the Northeast or in the South. You can't -- you can't -- you know, you can't wait. So what -- what -- what does someone do that goes to that shoot, spends all that money, tourism

dollars, rah, rah, rah, New York, let's spend, let's get them here, let's get in the restaurants, let's get them in the gas stations but don't sell them their shells because the NICS check didn't go through and they can't participate in that -- in that competition that they drove from Ballston Spa to -- to you my colleague out of Jamestown's gun club to participate in?

MR. ZEBROWSKI: So once again, the time frame isn't changing in this legislation. I understand that you have an issue with the 30 days. Hopefully it will run as efficiently as possible. I think the data that we have shows that the vast majority of background checks come back pretty quickly. But certainly there's a balance here, right? There's a balance between stopping people who shouldn't have weapons or shouldn't have ammunition, and for whatever reason there's some red flags that are coming up and there -- additional time needs to happen, and we're trying to balance that with having an efficient process for folks who, you know, are rightfully able to buy ammunition and -- and weapons from buying that ammunition. So, but once again, this legislation actually doesn't change that 30 days so that would probably be a more prudent debate for the last time when we increased it to 30 days.

MR. GALLAHAN: Well, it didn't pertain to ammunition at the time, so it could be debated.

The training class. Let's talk about the training classes. Who will be performing these training classes and where will they be done and who will be constructing the criteria for these

training classes?

MR. DINOWITZ: Well, right now a -- a number of different organizations perform training classes. I think the NRA performs training classes and a number of other organizations.

MR. GALLAHAN: Absolutely. They do it at our gun club all the time.

MR. DINOWITZ: I think 4-H -- I think a number of organizations already do that and that's who can continue to do it, but in addition I think -- I think that DCJS will become an authorizer for the training classes. So that's doesn't really change radically.

MR. GALLAHAN: Well -- well, it's not a criteria now if nobody's doing it.

MR. DINOWITZ: No, but what --

MR. GALLAHAN: (Inaudible)

MR. DINOWITZ: -- I'm saying is there are currently training classes and many of those groups that do the training will be able to do the training.

MR. GALLAHAN: So you're going to have a proficiency test, a two-hour proficiency test at the end of the training. What's the criteria for the percentage of accuracy that you have to obtain in order to be -- in order to get your certificate certified?

MR. DINOWITZ: Well, there would be regs set up and people would have to get a minimum score when they -- applicants will be required to provide a certificate of completion endorsed under the penalties of perjury by an authorized instructor,

stating that the applicant completed the course and scored a minimum of 80 percent on the test. That's only a B-, by the way.

MR. GALLAHAN: Well, I'm not worried about the test, I'm worried about proficiency at the range. I want to know what the proficiency rating at the range is going to be in order to get your certificate.

MR. DINOWITZ: That will be determined by the Department of Criminal Justice Services and the State Police.

MR. GALLAHAN: What is the current State Police proficiency rating in order to qualify?

MR. DINOWITZ: I'm not sure. I know what it will be is 80 percent. I don't know, you probably know better than me.

MR. GALLAHAN: Will there be a fee for this training course?

MR. DINOWITZ: Yes, I believe there will be.

MR. GALLAHAN: And -- and how will that be determined?

MR. DINOWITZ: I believe that will be determined, again, by the State.

MR. GALLAHAN: And do you see this as being a detriment to our poor and minority communities to have to pay this -- this fee to be licensed and registered in order to carry a handgun and exercise their Second Amendment rights?

MR. DINOWITZ: Well, first, I'm very glad that you're concerned about poor minority communities. This creates a

pathway to licensure. Licenses of all kinds usually involve a fee, whether you're getting a driver's license, a notary license, you name it, there are fees involved. This is not different. I'm sure you're not suggesting that everybody else pay a fee for various things but people who own guns don't pay a fee. It's a fee. And by the way, the fees that currently exist will be the same fees. It's not -- this legislation does not raise any fees.

MR. GALLAHAN: And there's -- there's a new program, an additional fee. Right now it's -- it's borderline for these folks right now to obtain a pistol permit --

MR. DINOWITZ: You know --

MR. GALLAHAN: -- for the fees they have to pay. So I was just curious what the fee may be and to bring that to your attention that maybe -- maybe there might be a program out there to help those folks.

MR. DINOWITZ: Well, I appreciate --

MR. GALLAHAN: (Inaudible).

MR. DINOWITZ: We all -- many of us --

MR. GALLAHAN: I'm just trying (inaudible) short

--

MR. DINOWITZ: (Inaudible).

MR. GALLAHAN: Is there currently money in the budget -- in our budget to -- to put this new division in the New York State Police Department to oversee this program?

MR. DINOWITZ: I think we're going to have to

come up with money. Now, this legislation won't take effect until the first of September. I think there's probably some money in the budget where they can apply to this, but if we need additional money we have another budget to do next year.

MR. GALLAHAN: So if this goes --

MR. DINOWITZ: (Inaudible).

MR. GALLAHAN: -- into effect in September, where does that money come from? What line item would that money -- what line item would the money come from the -- if you kicked this off in September?

MR. DINOWITZ: I -- I don't know. The fees would help finance some of this as well.

MR. GALLAHAN: Well, don't you have to set up the division before you can -- you can start this program? Doesn't there have to be a division started so that we can monitor, we can -- we can -- we can make sure that people are properly applying and permitting? And -- and I don't think you can start this without -- without the division in the State Police Department.

MR. DINOWITZ: The State Police Department is perfectly able to address this, I think.

MR. GALLAHAN: There's enough -- there's enough -- we don't have enough bodies in the State Police Department to patrol our streets and keep them safe currently. How are we going to -- how are we going to add this burden?

MR. DINOWITZ: Well, it's ironic because --

MR. GALLAHAN: (Inaudible).

MR. DINOWITZ: -- the State Police currently patrol the streets. But both the State Police and DCJS, they would be addressing this and I am absolutely confident that they are capable within the resources that they have to deal with this, especially given the fact that there are fees that they will be collecting.

MR. GALLAHAN: I -- I -- I certainly disagree with that. There's not enough -- there's not enough personnel now to take care of what we have to take care of in this State.

MR. DINOWITZ: And -- and by the way, it's my understanding that the Governor has guaranteed that there will be sufficient funding for this.

MR. GALLAHAN: I'm just -- I'm just curious where it's coming from. But I guess with a \$220 billion budget we can probably find money for that.

MR. DINOWITZ: I expect.

MR. GALLAHAN: I would -- I would hope that we would find money for -- a little more money for mental health but unfortunately, this is more important, I guess, than mental health.

Mr. Speaker, on the bill.

ACTING SPEAKER PRETLOW: On the bill.

MR. GALLAHAN: You know, we came down here to this Session and expected to be in this room yesterday at noon. We didn't get in this room for over 24 hours to talk about and debate this bill. And it's -- it's a clear case, to me, of failed leadership. There

were days that went by. There should have been a bill in place before we were called down here to debate it and talk about it and talk about its merits and its demerits. And it's -- it's totally reprehensible to think about how we have done business here in this Chamber in the last few days. The preparation was certainly not what it should have been. I -- I certainly totally disagree with this bill. I think it's an infringement on our constitutional rights, and here we are once again in this Chamber, thumbing our nose at the Supreme Court.

Mr. -- Mr. Chairman, I am certainly in the negative on this bill and I would hope that anybody with common sense would also follow suit and vote in the negative. Thank you, sir, and thank you for answering my questions.

ACTING SPEAKER PRETLOW: Thank you, sir.

Mr. Walczyk.

MR. WALCZYK: Thanks, Mr. Speaker. Would the sponsor yield for some (inaudible) --

ACTING SPEAKER PRETLOW: Will the sponsor yield?

MR. DINOWITZ: Yes.

ACTING SPEAKER PRETLOW: The sponsor yields.

MR. WALCZYK: What -- and I'm listening to the debate. What problem are we trying to solve here today with a bill that was given to us with a Message of Necessity from the Governor?

MR. DINOWITZ: We're trying to address the fact

that the United States Supreme Court overturned a law in New York that was over 100 years old and we're trying to deal with that. The -- as you know, the Supreme Court on June 23rd issued their decision in the case that I mentioned earlier, finding that there's a constitutional right to carry a handgun outside the home for self defense and that -- that -- the -- the previous law, as I said, stood for over 100 years. And they said New York's proper cause requirement for obtaining an unrestricted license to carry a concealed firearm violates the Fourteenth Amendment in that it prevents law-abiding citizens with an ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms. So what we're trying to do here today is to pass legislation that will conform with the guidelines of that -- of that ruling, but at the same time not -- not allow there to be rampant, you know, violations of what we think are important to New York. So we can have it both ways. We can pass legislation that will do a job but conform with the ruling of the Supreme Court because they are the highest court in the land, after all. So -- and this bill, we believe and I'm certain, does just that such that it will be successfully defended even up to the highest court.

MR. WALCZYK: Through you, Mr. Speaker, and I thought your -- your initial reaction to my question of what problem we're trying to solve, the -- the problem that you listed off the bat was the United States Supreme Court's decision. I would say that the highest court in the land, as you point out, is not a problem to solve. They are the law of the land, and when they make a 6 to 3

supermajority decision on something that's constitutional or unconstitutional in the State of New York, I would say we should probably all stand up and listen because we do all raise our right hands and swear to uphold that Constitution.

So getting into this -- this bill, permit applications for concealed carry have a lot military qualification in place of a pistol permit safety course. Will -- under this enacted new bill that you're bringing forward today, will active duty soldiers at Fort Drum or another military installation have a waiver for new requirements? Will they be able to use their military qualification to waive those requirements?

MR. DINOWITZ: The military is exempt from these -- from licensing requirements.

MR. WALCZYK: Through you --

MR. DINOWITZ: Active duty.

MR. WALCZYK: Through you, Mr. Speaker, I'm not talking about active duty firearms on a military installation, I'm talking about privately-held firearms that they wish to conceal carry in the State of New York and they happen to be active duty military members. They won't -- under -- under the bill that you're bringing forward today that the Governor sent to our desks, they won't have to apply for a pistol permit whatsoever in the State of New York?

MR. DINOWITZ: I think they will. Let me just double-check.

MR. WALCZYK: I'd appreciate it.

MR. DINOWITZ: Sure.

(Pause)

Active duty military personnel are exempted. Active duty military personnel.

MR. WALCZYK: Okay, so active duty military personnel when bringing pistols, just to -- just to be clear about this. I'm going to get a lot of questions, obviously. My Assembly District abuts Fort Drum. There's a number of soldiers in three brigades there. We have a lot of active duty soldiers here in the State of New York. It's the only Army active duty installation that's a major power projection platform in the Northeast. Many of those soldiers bring firearms and apply for concealed carry permits in the State of New York. Currently they're still part of the system. You're telling me under the new law they won't have to apply for a concealed carry permit at all? They'll be able to carry concealed wherever they'd like in the State of New York without having to apply for anything. Is that what you're telling me?

MR. DINOWITZ: What I'm telling you is that the two new crimes under the Penal Law that we create, criminal possession of a firearm, rifle, a shotgun in a sensitive location, or criminal possession of a weapon in a restricted location, there are -- there is a list of categories of people who are exempt -- who -- for whom this would not apply, and active duty military personnel are among them. But let me just check one other thing.

MR. WALCZYK: Okay, that -- that doesn't answer

my question. I'm asking specifically --

MR. DINOWITZ: Let me -- let me finish, okay?

Because I want to give --

MR. WALCZYK: Go ahead.

MR. DINOWITZ: -- you the correct information.

Persons -- now this is -- and this is current -- persons in the military or other service of the United States in pursuant of official duty or when duly-authorized by Federal law, regulation or law to possess the same, they're exempt from the licensing requirement. Yes. I mean, they're exempt if they're doing their official --

MR. WALCZYK: Once again through you, Mr. Speaker, seeking clarity, I'm not talking about active duty military personnel in their official duties, I'm talking about active duty military personnel who are qualified on weapons, who have traditionally been able to submit those qualifications with a pistol permit application in order to have their privately-held firearms legally here in the State of New York and carry them concealed.

MR. DINOWITZ: If it's not their military weapons, if it's a personal weapon that is not exempt.

MR. WALCZYK: So their current training, military qualification under this change will not -- will not suffice as a waiver to all of the new requirements that -- that you are putting forward here today? Is that what I understand?

MR. DINOWITZ: What I just said. If it's their personal weapon it's -- it's not exempted. If it's military, then it is.

MR. WALCZYK: Okay. Mr. Speaker -- wow. Why the Message of Necessity on this -- on this bill?

MR. DINOWITZ: Well, I believe that that was issued -- that was requested or put out by the Governor. But the Constitution provides for a Message of Necessity as a mechanism to pass legislation more quickly. I don't -- I suppose we could wait a couple more days into the July 4th weekend. I'm sure many of you would like to do that. But this is important, and the Governor deemed this to be extremely important in order to react appropriately to the ruling by the Supreme Court, the 6 to 3 ruling, and I think she made the right call on that.

MR. WALCZYK: When's the -- when's this bill go into effect? You said September --

MR. DINOWITZ: September 1, 2022.

MR. WALCZYK: -- 1st. But we needed a Message of Necessity and bill language that was submitted about 15, 16 hours ago right now to address a bill that's -- that's not going --

MR. DINOWITZ: I -- I can't answer that.

MR. WALCZYK: -- into effect until September 1st.

MR. DINOWITZ: But once again, not relevant to the specifics of the bill. But, yes --

MR. WALCZYK: Well, through -- through you, Mr. Speaker, I think it's relevant to the State of New York, the citizens that we represent. And when we're talking about a constitutional right, I think the openness in government, we have to be very careful about

Messages of Necessity when we're talking about constitutional rights.

But I do want to ask a follow-up question. I heard the dialogue earlier about carrying in the Adirondack Park. I -- I noticed that there's a number of sensitive areas that are named, and earlier in debate you named the Adirondack Park as one of those sensitive areas. Are you aware that trails can cross through both public and private land in the Adirondack Park?

MR. DINOWITZ: I'm sorry, who can cross?

MR. WALCZYK: Trails.

MR. DINOWITZ: Oh, trails.

MR. WALCZYK: That citizens of the State of New York use in the Park. Some of them cross both public and private land.

MR. DINOWITZ: I'm not aware, but thank you for letting me know that. I mean, you're certainly much more knowledgeable on that than I would be.

MR. WALCZYK: No problem. And, I mean, it's one of those reasons that daylight on a piece of legislation like this is good because then you can receive feedback on it before you bring it to the floor and the Governor signs it into law. You mentioned earlier that on private lands within the Adirondack Park a concealed carry would be allowed, but on the public areas of a very large portion of New York State someone won't be able to carry and conceal; that's correct?

MR. DINOWITZ: With the following provisos: On the private land the owners, I guess, could allow it as indicated earlier.

And -- I'm sorry -- if -- if you read the actual wording of the legislation, and I mentioned it earlier, when we're dealing with sensitive locations the person would have to either know or should have had reason to know that such a location is what we define as a sensitive location.

MR. WALCZYK: Okay. How would the -- how would the black bear know?

MR. DINOWITZ: How would the what? Say -- I'm sorry, it's a little hard to hear sometimes.

MR. WALCZYK: So in May -- and this doesn't happen very often, luckily -- but in May a 12-year-old boy was attacked in Harriman State Park out in the Adirondacks by a -- by a black bear. How would bears know which areas of the Adirondack Park or other parks in the State of New York, which areas are public and private?

MR. DINOWITZ: I'm pretty sure a bear would not know.

MR. WALCZYK: Yeah. Good. Yeah, me -- me as -- I couldn't agree more.

Do you believe the United States citizens have a Constitutional right to keep and bear arms?

MR. DINOWITZ: Do I what?

MR. WALCZYK: Do you believe that the United States citizens, the citizens of this country, have a Constitutional right to keep and bear arms?

MR. DINOWITZ: I -- I don't think that my personal opinion is relevant to this legislation one way or the other, so it hardly matters what I think in terms of that.

MR. WALCZYK: Mr. Speaker, on the bill.

ACTING SPEAKER PRETLOW: On the bill.

MR. WALCZYK: So, the United States Supreme Court by a supermajority -- and I know many in this House love to throw supermajorities in our face. You know, elections have consequences, this is the power that we have. We could do what we please. In a 6 to 3 decision the highest court in the land found -- found New York State guilty of violating the United States Constitution. That's essentially what they found. The same people who created catch and release for criminals are now -- in New York they see no problem -- they see no consequence right after a violation of the United States Constitution, seek to violate it once more. Justice Thomas, he said, *The United States citizens have a broad right to carry a handgun outside the home*. I don't see any problem with any member of this Body -- and not to pick on the sponsor who probably only recently saw the language that the -- that the Governor shoved through with a Message of Necessity as well -- but I don't see any problem with any member of this Body who swore an oath, upheld -- held up their right hand and swore an oath to uphold the Constitution with saying -- yeah, I'm familiar with the Second Amendment, of course. I swore an oath to uphold it. Of course I believe that United States citizens have a right to keep and bear arms. The courts also --

so Justice Thomas also said, *Courts should uphold restrictions only if there's a history of these restrictions either in the country or in that state.* This bill offers a number of restrictions that don't meet the Court's bar whatsoever. They don't meet the high bar of the Court or the low bar or any at all. Sixteen-hour classes, accuracy tests for marksmanship, background checks that include what you posted on Facebook, prohibition in a host of newly-named sensitive areas to include large swaths of land like the Adirondack Park, ammunition databases. There's no history of this in the State of New York. This is a bunch of new unconstitutional stuff that violates everybody's oath that they swore to uphold, and they know that the U.S. -- that the U.S. Constitution will be upheld by the United States Supreme Court and this will be thrown out, but they're doing it with a Message of Necessity just before a holiday weekend for nothing but politics. The U.S. Supreme Court said New York's restrictions are un -- are an unconstitutional -- or a constitutional right cannot be arbitrary. You offer these restrictions on a -- on a constitutional right. You've demonstrated no historical tradition that limits, the out of bounds of the right to keep and bear arms today. There's a lot of reasons to call a special Session in the State of New York, maybe even some things that you could do with a Message of Necessity. People are dying of fentanyl overdoses, fentanyl that's been sent here from China. New Yorkers are dying every day, sometimes in violent ways, as you point out. New Yorkers are continually fleeing this State and our population continues to decline. Food prices have gone up, retirement

plans are in the tanks. Inflation has attacked people's finances, gas is \$5 a gallon. Industry and business can't find labor and even used cars have gone up by 35 percent. There's a lot of issues that we could address as a Legislature, and instead the state of emergency that is continually in place and suspends an Open Meetings Law, and we call this special Session to misuse a Message of Necessity on some half-baked plans and call this Extraordinary Session -

(Buzzer sounds)

-- solely for the purposes of violating the United States Constitution.

ACTING SPEAKER PRETLOW: Mr. Angelino.

MR. ANGELINO: Thank you, Mr. Speaker. I have some questions of the sponsor. Would you ask him to yield, please?

ACTING SPEAKER PRETLOW: Will the sponsor yield?

MR. DINOWITZ: Yes, I will.

ACTING SPEAKER PRETLOW: The sponsor agrees to yield.

MR. ANGELINO: Thank you, sir. Did anything in this new volume that I'm trying to read through here on my tablet, the licensing officers did not change at all? It says -- it says you have to have an interview in front of law -- I know some counties are different. Some have commissioners, some have a judge.

MR. DINOWITZ: No. No.

MR. ANGELINO: All right. Well, in the county in

which I live has one judge who is the county clerk, Surrogate Court, Family Court. And is a designee allowed to conduct the interview and advise the issuing officer?

MR. DINOWITZ: I'm sorry, you're asking me if he would be the one to conduct the interview?

MR. ANGELINO: No, I'm just concerned. My county court judge is not going to have time to interview everybody and look at their social media. I'm -- I'm hoping a designee can look at that. I know NYPD has one issuing officer, the Commissioner, but they have a whole bureau. But I'm concerned because this says the issuing officer shall conduct an interview.

MR. DINOWITZ: Well, I -- I guess there would be more work involved. That's -- what county, if I could ask?

MR. ANGELINO: I'm in Chenango.

MR. DINOWITZ: Okay.

MR. ANGELINO: But I represent four counties. Some have more than one judge, the county in which I live has one.

MR. DINOWITZ: Well, the -- the requirements here are the requirements.

MR. ANGELINO: The --

MR. DINOWITZ: But we're not -- we're not changing any of that stuff. That's --

MR. ANGELINO: I think --

MR. DINOWITZ: In terms of the -- the licensing officers, that's not changing.

MR. ANGELINO: Right. But what is changing is the licensing officer has to conduct an interview.

MR. DINOWITZ: Yes.

MR. ANGELINO: That's concerning. And I'm sure the Police Commissioner of the City of New York who issues those doesn't conduct an interview of thousands of people.

MR. DINOWITZ: I don't know. I'm -- you're probably right.

MR. ANGELINO: I don't know, either, but I know I have one county court judge.

All right. The -- I have some NICS check -- checks questions. Is that going to be deferred to your colleague or...

MR. DINOWITZ: What kind of question?

MR. ANGELINO: The NICS background check. I didn't know if that was going to be --

MR. DINOWITZ: No, Mr. Zebrowski --

MR. ANGELINO: Okay (inaudible).

MR. DINOWITZ: -- (inaudible) the ammunition database.

MR. ANGELINO: All right. I will -- I'll -- I'll ask those later. The -- after hearing my colleague from Staten Island, New York City, he gave out the whole bunch of stats about the hundreds of shootings and thousands of guns and things like that. I'm curious, in -- in the 20-some places that are now sensitive areas, how would a person defend themselves there?

MR. DINOWITZ: I -- I'm not sure why some people think that people need to walk around town with a gun to defend themselves.

MR. ANGELINO: Because there's criminals out there walking around shooting people.

MR. DINOWITZ: And that's what we have the police for.

MR. ANGELINO: Okay. New York City has an enormous police department and --

MR. DINOWITZ: Right.

MR. ANGELINO: (Inaudible).

MR. DINOWITZ: They have more criminals, too.

MR. ANGELINO: Obviously.

(Pause/audio problem)

Good news, Mr. Dinowitz. We lost our feed. We have to take a time out.

ACTING SPEAKER PRETLOW: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if you can ensure that we will reserve the gentleman's time with 11 minutes and 57 seconds. But I would ask that the House stand at ease while we reroute our internet to make Zoom work.

ACTING SPEAKER PRETLOW: The House stands at ease.

(Whereupon, the House stood at ease.)

ACTING SPEAKER PRETLOW: In Extraordinary Session, Mr. Angelino, you may continue.

MR. ANGELINO: Thank you, Mr. Speaker. Sir, the last question I started to ask, and I don't know when we went dark, but I said how would people in these sensitive areas protect themselves? And I think you were focusing on New York City, but all across the State how would people protect themselves?

MR. DINOWITZ: I -- I -- I'm going to answer it this way: It almost suggests that every single person should be carrying a gun, and I believe that many people, maybe most people, even people who might have been trained, could cause more damage if they're carrying a gun than if they're not carrying a gun. And -- and keep in mind, we're only dealing with a very limited scope here. We're dealing specifically with addressing the issues raised in the Supreme Court ruling. So the answer is we have law enforcement to protect us. I mean, I happen to have been a person who -- well, I supported all the, you know, all the police reform measures, I opposed things like defund the police and billion-dollar cuts and all that because I believe in law enforcement. And if everybody had a gun then it's like saying well, we -- we don't need the police. I don't believe that.

MR. ANGELINO: Well, the -- the police do not have a duty to protect any one particular person. To give everybody the

opportunity for equal protection, but they can't be everywhere.

They're a finite force, and in some places they're minutes away when seconds count. And I was filling for you, it wasn't a question.

MR. DINOWITZ: Well, let me just say, the -- I don't think we're really -- we shouldn't be arguing about this. In a sense that all the Court said was that people have the right to protect themselves, but we have the right to -- to impose certain restrictions and also to limit -- limit things in these sensitive locations. So this is not about saying that nobody could ever carry a gun anywhere, nobody had to get a gun. That's not what this is. It's simply a reasonable response in order to conform with the ruling that some of you have characterized as a supermajority. I would call it a majority, but yeah, that -- that's what this is all about.

MR. ANGELINO: Thank you. Moving on a little bit, there was a section, and I had trouble finding it so I'm going to read it off the brief sheet that I received. It's not going to be verbatim from the law, but it was, *Applicants are only eligible for a concealed carry license when they have not been convicted of any of the following offenses within five years of the date of application. First is Assault Third, number two is driving while intoxicated and three is menacing.* Those are the only three?

MR. DINOWITZ: No, no. There's already a list in the law. Those are three additional ones that we're adding to the list. I mean, there's a long list of qualifications. And I'll just read you -- I'm not going to read you the whole list --

MR. ANGELINO: These are misdemeanors. Any felony (inaudible) --

MR. DINOWITZ: Yeah, these are additional -- there are felonies already in law. This -- this relates to concealed carry.

MR. ANGELINO: Can I -- can I ask -- I only -- I'm concerned about a couple. One is criminal strangulation. Is that in there? And the other is resisting arrest.

MR. DINOWITZ: That would fall under -- that -- that would come under, I guess, as not been convicted of a felony or a serious offense. So that -- that would be part of that.

MR. ANGELINO: Is resisting arrest not listed but we're going to consider it a serious offense?

MR. DINOWITZ: I -- I mean, there's a long list. We can go through each and every one of them if you like.

MR. ANGELINO: No, that's why I said I didn't -- I didn't want to go through the whole list.

MR. DINOWITZ: Well, let me put it this way: As I said there's already a list and we're adding three additional ones to that list. Assault in the Third Degree, driving while intoxicated misdemeanor or menacing.

MR. ANGELINO: Okay.

MR. DINOWITZ: This only relates to concealed carry, it doesn't relate -- it doesn't relate to anything else other than concealed carry.

MR. ANGELINO: All right. And this question, only

because I lived through the SAFE Act enact -- when that was enacted in 2013, when that was done police officers on duty, in uniform, showing up for work every day were felons because they carried more than seven rounds then, and also they were -- they were felons if they were on school grounds. So on-duty police -- we talk about retired and off-duty. Are on-duty police officers included in this bill?

MR. DINOWITZ: In terms of the exemption?

MR. ANGELINO: Yes.

MR. DINOWITZ: Police officers, retired police officers --

MR. ANGELINO: Right.

MR. DINOWITZ: -- peace officers and then there's

--

MR. ANGELINO: I just wanted to make that clear because it wasn't clear during the SAFE Act days.

And I have questions about the NICS background test.

MR. DINOWITZ: I'm sorry, the what background?

MR. ANGELINO: The background test.

MR. DINOWITZ: The background, yeah.

MR. ANGELINO: Thank you. I have two of you standing up.

MR. DINOWITZ: Oh.

MR. ANGELINO: Thank you. The -- the

background checks, what is the cost for that?

(Pause)

MR. ZEBROWSKI: So you're talking about the cost to the dealer and -- and the customer?

MR. ANGELINO: The applicant when (inaudible) --

MR. ZEBROWSKI: \$10.

MR. ANGELINO: Okay. And that goes to New York State Police? Are they doing the background check?

MR. ZEBROWSKI: Yeah, it's going to go to a fund.

MR. ANGELINO: Okay. The -- and the -- the NICS check on ammunition -- again, I'm going back to the SAFE Act days -- that sounds familiar. I think that was in the SAFE Act?

MR. ZEBROWSKI: Yeah. So it actually was in the SAFE Act and by memorandum it has not been implemented all these years. And now that memorandum is being revoked and what was passed in the SAFE Act, with some additions, will now be implemented with this legislation.

MR. ANGELINO: Do you know any of the reasons why it was not enacted with the SAFE Act?

MR. ZEBROWSKI: The reason given was technological issues.

MR. ANGELINO: Okay. And the -- New York State is one of the states that relies upon the FBI to conduct our background checks. Has anybody told the FBI they're going to do be doing thousands more NICS checks for every box of ammo?

MR. ZEBROWSKI: Well, every state has the -- the option to do what we're doing. In fact, there are many states that do it this way and, in fact, the legislation says we will check that system and this new system that we're setting up which will hopefully have more information and now have some of the implement -- well, some of the issues that I think have been identified in the Federal system. So I'm not sure if the official notice has been sent to the FBI or not, but presumably if we pass this legislation and it's signed into law that will happen.

MR. ANGELINO: Okay. Because in the SAFE Act they -- they declined to -- the ability to be able to do that. When you said a second system, is New York State considering setting up its own NICS check?

MR. ZEBROWSKI: A NICS-type system, a (inaudible), yes.

MR. ANGELINO: Okay. Thank you.

And, Mr. Speaker, I would like to speak on the bill.

ACTING SPEAKER PRETLOW: On the bill.

MR. ANGELINO: So we heard a lot today about the Supreme Court decision and we heard a lot about the sensitive areas. But the -- the crafters of this bill, the language, neglected a big part of the Supreme Court decision and that was the right of the people to defend themselves in public places and in their homes. That was the crux of the issue. Now we've made so many places difficult for a person to lawfully carry a concealed weapon. Their handgun is now

going to be left at home or it's going to be locked up in a car where it's pretty much useless, and it's also a target for pilferage and theft. The -- the restriction that we're doing is right in the Second Amendment and it's -- I heard a colleague say the right of the people to keep and bear arms, and it was a pun about the bear that he mentioned earlier. But the last line of the Second Amendment is "shall not be infringed." And I think what we're doing is setting this up for another lawsuit and that this will likely be overturned by that same majority of the Court. The "shall not be infringed" part is codified into our Constitution and it's not to be glossed over. It's been challenged -- it's been -- it's been challenged in other states and it was found to be unconstitutional to put these infringements upon others.

I guess we've all been here -- I'm tired. Everybody's tired here, and I guess I'll close with -- about the most extraordinary thing that happened in this Extraordinary Session was that we're voting on such a serious piece of legislation and it's still daylight. This is normally done in the dark of night, and I'll end with that so hopefully we can get out of here sooner.

Thank you, Mr. Speaker.

ACTING SPEAKER PRETLOW: Thank you.

Ms. Byrnes.

MS. BYRNES: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER PRETLOW: Mr. Dinowitz, do you yield?

MR. DINOWITZ: Yes, I will.

ACTING SPEAKER PRETLOW: The sponsor yields.

MS. BYRNES: I'm not tired, are you? I'm not tired, are you?

MR. DINOWITZ: Not only am I not tired, I am more energetic than I was earlier in the day. I suppose with those three pieces of chocolate that I had --

(Laughter)

MS. BYRNES: Which we can thank the Sergeant-at-Arms, no doubt.

MR. DINOWITZ: Thank you, Wayne.

MS. BYRNES: All right. A couple of things by way of clarification. Retired police officers, you cited -- or the statute I think references a section in the Criminal Procedure Law as to how that term is defined, and I must confess, I'm not familiar with that CPL section. I know it's defined, I believe, in the New York State Penal Law also. Is it five years to qualify as a retired police officer under this statute as opposed to the Federal statute that requires ten years of service?

MR. DINOWITZ: That's a very interesting question.

MS. BYRNES: Thank you very much.

MR. DINOWITZ: Let me -- let me check on that.

Yeah, we have to check. It might be from the time you're vested, for example, but I don't know.

MS. BYRNES: Right.

MR. DINOWITZ: But I would have to check on that.

MS. BYRNES: It's just that our State law and the Federal statutes define retired police officer different. It's my understanding that New York State uses five years of service where the Federal uses ten, which obviously makes a difference to a lot of people depending on their length of service, and my significant other asked me to ask because he has seven.

MR. DINOWITZ: Right.

MS. BYRNES: So, anyway, so I did my duty.

Moving on. When we were talking before about the provision about it being a sensitive place where there was any gathering of individuals to collectively express their constitutional rights to protest or assemble, if we look in that in the conjunctive or the disjunctive, really -- and you did indicate that if a group of Republicans gets together or whatever, you know, that that's not what this was aimed at. But quite pointedly, let me ask you that if we -- after this legislation is passed and signed into law, if the Rifle and Pistol Association that was the plaintiff in the Federal action, you know, if they gather to collectively express their constitutional right to protest this new change in the Second Amendment legislation it seems as if they would fall under the category of a sensitive place and all be precluded from carrying any -- any firearms. Would that be accurate?

MR. DINOWITZ: That's kind of ironic, isn't it?

MS. BYRNES: It is ironic. I mean, you know,

there's got to -- it has to have some definition.

MR. DINOWITZ: Well, it's --

MS. BYRNES: And it's protesting constitutional rights. I mean, it's an awfully broad expression. I mean, Mr. Dinowitz, even you have to admit that -- that's a pretty broad and subject to many interpretations. What do you mean as the sponsor?

MR. DINOWITZ: Well, I -- I would say that since it says any gathering of individuals to collectively express their constitutional rights to protest, if there's a gathering of individuals who collectively gather to protest that would fall under this. But if there's any doubt, that's an issue for a court to decide.

MS. BYRNES: All right. But as you drafted and crafted the legislation, or at the very least are the sponsor of it and debate -- or at least debating the points here --

MR. DINOWITZ: The debater.

MS. BYRNES: All right, the debater. I mean, technically the Rifle and Pistol Association could be required just because they're grouped together because they want to protest this upcoming decision they could be barred from legally carrying their lawful firearms, correct?

MR. DINOWITZ: I mean, they would not be able to bring a concealed weapon to a protest like anybody else.

MS. BYRNES: Right. So they would not be allowed

--

MR. DINOWITZ: If you think about it, it makes a lot

of sense.

MS. BYRNES: -- to carry their legal weapons because it would be defined now as a sensitive space. And that would be the same for SCOPE, Gun Owners of America, any group that normally tends to have more prevalence of firearms than others, and they would all become that in sensitive areas when they got together as a group, right?

MR. DINOWITZ: Well, you know, I -- I guess we -- we think a little differently. I can't imagine why somebody who is going to be with a group of people that are their friends and allies would carry a firearm in the first place. I mean, that's just me. But yes, under -- at a protest that would be considered a sensitive location.

MS. BYRNES: Okay. Even though they're actually getting together to protest their constitutional rights they're precluded from exercising their constitutional rights. Can you see the irony in it a little?

MR. DINOWITZ: Well, yes, I said it is kind of ironic, but they would still be able to get their -- their license, they just won't be able to bring it there.

MS. BYRNES: Okay. Going to the NRA-certified instructors. New York State has made it incredibly difficult for NRA-certified instructors to obtain insurance in order to engage in actually instructing people on firearms safety. Does this legislation create any avenue, especially like in my county, Livingston County, over 10,000 people have pistol permits. So -- and that's just my

county, last I knew. So if they all -- when they come up are going to have to have this training that is being described, the police department, the sheriff's department is never going to be able to do it. We do have certified instructors. Are we doing anything to create an avenue to assist them in getting insurance so that they can do what they are specifically trained to do?

MR. DINOWITZ: No, this -- this bill doesn't address that one way or the other.

MS. BYRNES: Okay. So it is putting a requirement without having any avenue to have sufficient people to actually do the training.

(Pause)

MR. DINOWITZ: Well, DCJS would be like in charge of dealing with instructors and -- and they can help provide additional instructors. But in terms of insurance, I mean, this doesn't change anything --

MS. BYRNES: Okay.

MR. DINOWITZ: -- as far as that.

MS. BYRNES: So you'd be relying on DCJS and whomever they hire or find or whatever bureau they put together to do this. But it's got to be ready to go by September 1st, right?

MR. DINOWITZ: Well, the law will take effect September 1st.

MS. BYRNES: Okay.

MR. DINOWITZ: Which is one reason why it was

much better to do this today than waiting because we want to give them as much time to, you know, get -- get ready for this.

MS. BYRNES: Well, when it comes to the restaurants that are obviously going to be affected and impacted by this legislation even though it -- the gun legislation affects every business, it affects everyone in the State. Can you tell me what restaurants or what restaurant organizations that you consulted about this legislation to see how it would affect them and ask them their opinion as to its effects on them and what their thoughts were?

MR. DINOWITZ: I personally did not speak to a restaurant or restaurant association --

MS. BYRNES: Okay.

MR. DINOWITZ: But I -- I can tell you a few things, though. Some years ago it was very controversial when New York City instituted the no smoking regulations and people thought the sky was falling. And it turned out that restaurant business actually improved because there were so many people who wouldn't go to the restaurants because of the smoking. Now, I don't know how this is going to impact restaurants. Restaurant owners can individually decide whether or not they want to allow people carrying concealed weapons into their establishment by putting up a sign.

MS. BYRNES: But normally when there's a constitutional right, a person has a right to exercise their right and here you're doing the reverse. You're putting the affirmative obligation on people to act in a way to not exercise it to say we aren't going to do

something as opposed to we are.

Question on churches. Obviously you've listed them as being sensitive place also. Did you talk to any churches or any religious organizations anywhere in the State as to what their views were of this law and being categorized as a sensitive place?

MR. DINOWITZ: I did not.

MS. BYRNES: And businesses. Businesses, business organizations. Did you talk to any of the organizations even at the Federal, State, local level to see how this would impact them, being in an urban community or rural community, whatever their community was. Did you make inquiries to see how this law would affect them and what they thought about this legislation?

MR. DINOWITZ: Well, you know, when it comes to private businesses such as restaurants I think that we should not necessarily be telling them what to do. I'm sure you would agree that they should be able to make their own decisions on this, and that's what this law allows them to do. So for example, a restaurant --

MS. BYRNES: Yeah.

MR. DINOWITZ: If they want to allow people to come into their establishment, you know, loaded with guns they just have to put a sign saying, *All guns welcome*.

MS. BYRNES: But you are telling them what to do because you're telling them that they have an affirmative obligation to put that sign up or to otherwise advise each person, patron, individually.

MR. DINOWITZ: Well, let's think about it. First of all it, it involves, like, restaurants that serve alcohol. But think about this. Somebody going into a restaurant, I believe and I'm sure most people would believe, would want to know that there may be other people there carrying a gun. So that's why it's important for them to have a sign posted saying, *Guns welcome*. You know, it -- it seems pretty logical to me. And if they don't want firearms in their establishment while people are eating, they don't put the sign up. And they could also not -- they could do it another way. They could make it known verbally that people carrying a concealed weapon are welcome. So we're not stopping anybody, but it's up to the owner because, you know, we believe in free enterprise.

MS. BYRNES: Well, I think this is where maybe you come up and visit some of our more rural counties because, see, me and my friends would be presuming that people were carrying in every restaurant or -- or in a business. We've never presumed the opposite. So in -- with a restaurant or place that serves alcohol, as long as they put up a sign they do not --

MR. DINOWITZ: Not -- if -- if -- if there's alcohol, no. No. I'm sorry, did I -- maybe I misspoke. If they're serving alcohol it's a sensitive location. If -- if a business establishment is not serving alcohol, a private place is not serving alcohol then they can decide whether or not to allow guns by simply putting up the sign.

MS. BYRNES: Thank you.

MR. DINOWITZ: Just as a private resident could do

the same thing.

MS. BYRNES: All right. Thank you.

On the bill.

ACTING SPEAKER PRETLOW: On the bill.

MS. BYRNES: With deepest respect, Mr. Dinowitz, I -- I think this legislation is incredibly overbroad, just by way of two examples. We have the example of a church which is automatically becomes a sensitive place. It's a status that affects their property rights, it affects their First Amendment rights, and it's something they're not asking for. Many churches are soft targets. They rely on the pastors and the congregants for protection and they arrange within their congregations and meetings for those purposes and for security. And also like Mr. Dinowitz was just finishing up with with alcohol, ironically this legislation is so overbroad that in my district I have a number of -- I have 14 or 17 sportsmen's clubs. One of them has 1,400 members. It hosts national and international events. One of the largest supermarkets in the country has their private security force that trains there, plus all the police departments. It would be defined as a sensitive place under this legislation because they have a liquor license. So this status is being forced on them, which will affect their property rights; again, a status that they didn't ask for. This is a sportsmen's club. People are going there to shoot skeet, traps, sporting clays, rifles, you -- you name it. They're going there for those purposes and it's being defined as a sensitive place. This legislation is simply a knee-jerk reaction. It dramatically affects the rights of lawful

firearms owners and lawful property owners who have nothing to do with having pistol permits. But it affects them dramatically in how they conduct their business, and that's demonstrably wrong. And nothing that this legislation has in any way, shape or form --

(Buzzer sounds)

-- makes the violence on our streets go away.

Thank you. I'm voting no.

ACTING SPEAKER PRETLOW: Thank you.

Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker. Will the sponsor yield, please?

ACTING SPEAKER PRETLOW: Mr. Sponsor, will you yield?

MR. DINOWITZ: I will.

ACTING SPEAKER PRETLOW: The sponsor agrees to yield.

MS. GIGLIO: Thank you, Mr. Dinowitz. So, under the law am I correct to say that retired law enforcement are exempt from the carry laws in the sensitive zones under H.R. 218 if they annually qualify?

MR. DINOWITZ: They're exempt.

MS. GIGLIO: Okay. So then retired peace officers would also be exempt under H.R. 218 as long as they qualify annually, correct?

MR. DINOWITZ: I don't see retired peace officers

on the list.

MS. GIGLIO: But under H.R. 218 any law enforcement that is annually qualifying is exempt?

(Pause)

MR. DINOWITZ: Oh, if they were prior under LEOSA then yes, they would be.

MS. GIGLIO: Then they would exempt if they had the annual qualification under H.R. 218, correct?

MR. DINOWITZ: When you say H.R. 218 I wasn't -- yes, the answer is yes.

MS. GIGLIO: Thank you very much.

So as far as background checks, you know, this year the State adopted laws as to who can report mental health issues and mental health risks, adding school boards and school professionals and many other things. Something that I supported because that mental health is a big issue when it comes to crime and gun violence in New York State. So the red flag -- red flag laws as amended as to who can file a TERPO, which is a temporary risk protection order [sic], so they can file it with the State Police. The State Police can take that temporary risk protection order [sic], they can file it, they can go to the person's house and say, *We have a temporary risk protection order. We are here and we want you to voluntarily give your -- give us your guns*, and then within three days they get to appear before a Supreme Court judge who decides whether or not this person is a risk to themselves or to others. So -- and -- and that hearing is referred to

as an ERPO, or an emergency [sic] risk protection order. So with the State Police being tasked with this and the Superintendent of the State Police, the Division of the State Police where the temporary risk protection orders are up four times from January of this year to June of this year than in all of 2021, how are they going to implement this program as far as background checks and coordinating with every police department that is tasked with issuing licenses without a budget? I just am curious as to -- they're -- they're limited in what they can do. And are you aware of the fact that our State Police have to represent themselves before Supreme Court judges prosecuting somebody who they feel their gun should be taken because they're a risk to themselves or others? That they -- law enforcement, State Police, represents themselves before a Supreme Court judge. Were you aware of that?

MR. DINOWITZ: Well, I mean, somewhere in there I think there was -- there was a question which -- which had to do with the funding, am I correct?

MS. GIGLIO: Yes.

MR. DINOWITZ: I would -- I'm under the -- it's my understanding that the Governor has indicated that there will be funding available to make sure that what's required in this legislation will get done.

MS. GIGLIO: Okay. Because these TERPO, temporary risk protection [sic] and the emergency risk protection [sic], these things take a lot of time when you're talking about whether or

not somebody's a risk to them self or others and taking their guns away. I mean, the State is really liable for that. So I think it's a big thing to make sure that we have the Attorney General's Office prosecuting these cases. And I just want to -- are you familiar with the letter that the Honorable Craig Stephen Brown from Orange County wrote to the Attorney General that states regarding the extreme risk protection orders, *Thank you for your letter dated June 1st -- oh, no, wait. This is June, back to him from the Attorney General. It's to the Attorney General. I write this letter as a courtesy to advise you that this Court is requiring that your respective offices be provided with any notification of hearing for final extreme risk protection orders related to any applications made by the New York State Police for extreme risk protection orders. There has been an increase in the State Police filing of ERPOs in Orange County since Governor Hochul's Executive Order in May directing the State Police for filed extreme risk protection orders. As a result, State Police investigators and troopers are designated as petitioners in these matters and are required to appear in Orange County Supreme Court to prosecute them. These law enforcement officials have been appearing without counsel and are proceeding pro se in these civil proceedings in the Supreme Court. It does not appear their training includes the legal nuances necessary for them to proceed in such a manner in these legal proceedings; rules of evidence, conducting direct cross-examinations. It appears the Governor has placed a priority on these proceedings, so the Court wanted to make certain*

you're aware of this issue given that your respective offices represent the New York State Police in other matters such as traffic matters the Attorney General represents the State Police. But not when it comes to whether or not someone's guns should be taken away based on the fact that they're a risk to themselves or others. And are you aware of the Attorney General --

MR. DINOWITZ: There was no question marks. I was -- but --

MS. GIGLIO: Are you aware of that letter from the Judge?

MR. DINOWITZ: I -- I'm not aware of the letter, and -- and it certainly raises important points. But I'm not sure how it's relevant to the legislation that we're debating right now.

MS. GIGLIO: Because you're putting --

MR. DINOWITZ: We're debating (inaudible) --

MS. GIGLIO: -- it back on the State Police to oversee, and the State Police are sitting in trials to -- for emergency risk protection orders to actually -- for a judge to decide whether or not they're going to take someone's guns away from them who is a risk to them self and others. So that is a major concern to me because not only do we need funding -- funding for the State Police to put these programs together, but we obviously need money in the Attorney General's Office. Because are you -- if you're not aware of the letter from the Supreme Court Judge to the Attorney General, are you aware of the letter from the Attorney General back to the Judge?

MR. DINOWITZ: Well, the letter was sent between the Judge and the Attorney General. I was not party to the letter.

MS. GIGLIO: So then I'm going to tell you what the response from the Attorney General's Office was to the judge, and then you tell me if you think that this is a way that we're going to get guns off the streets from people that are a potential risk to themselves and others. So the response to the Supreme Court Judge dated June 9, 2022 says from Assistant Attorney General in Charge Vinita Kamath, *Dear Judge Brown: Thank you for your letter dated June 1, 2022 regarding applications by the New York State Police for extreme risk protection orders pursuant to CPLR Article 63(a) and Executive Order Number 19. Following the enactment of the law in August 2019, the Office of the Attorney General engaged in internal discussions with the New York State Police with renewed discussions following Governor Hochul's issuance of Executive Order Number 19 this past May, following these discussions the Office of the Attorney General has determined that our Office will not represent the New York State State Police in these proceedings.* How is a law enforcement officer supposed to convince a judge that someone is a risk to themselves and to others if they don't have the funding or the representation from the Office of the Attorney General to make sure that a proper case is made so that the residents of New York are protected?

MR. DINOWITZ: Well, I'm -- I'm certainly not in a position to answer that question, which is very important question, but

nonetheless has nothing to do with the legislation we're debating.

MS. GIGLIO: Well, it does in that we're putting a lot of -- on the Superintendent of the State Police and then also on the State Police to put together a commission and rules and regulations and also spending a lot of time in court trying to get people's guns away from them that are a threat, and trying to get search warrants when they are not represented by the Office of the Attorney General.

MR. DINOWITZ: Well, I -- I would hope that we would find appropriate funding for them so they can carry out all the functions that we've imposed upon them.

MS. GIGLIO: Thank you. I really appreciate you saying that because I think it is so important. I mean, we put laws out every day and some of them are good and some them are bad. But, you know, this is a real problem when we are limited as to not only the people that are in the State Police and what their, you know, potential is to solve these crimes that they're out on the street everyday trying to solve crimes, robberies. They're really tasked with a lot. And to be sitting in a court as a prosecutor when they're law enforcement is a disgrace to me and a really injustice to the residents of New York. And so I'm glad that you agree with me that we need to do something about that to make sure that they are properly represented so that the weapons don't stay in the hands of people that are a risk and a threat to themselves or others as reported by school officials, school board members. I mean, we know in Buffalo that this person had written something in their assignment that said that they

were -- that they had a threat. And the school reported to the police, the police reported it to the mental hygiene (inaudible) who said that they did not have enough information to involuntarily commit him. We could have saved all those people in Buffalo had this all been done properly and looking at the big picture as to how to solve the mental health problem. And by decreasing the number of beds and by putting people in hotels that are homeless, that have mental needs is not fixing the problem, it's exacerbate -- exacerbating the problem.

So on to the next one. Would you -- will sensitivity zones be posted such as locations of any program that's licensed, regulated or funded by the Office of Children and Family Services, the location of any children program where a permit has been issued by Department of Health, nursery school, preschools and summer camps, homeless shelters, runaway homes, youth shelters, residential settings, licensed or regulated or funded by the Department of Health or any buildings or grounds owned or leased by educational institutions, colleges, universities, licensed private career schools? I mean, how is one to know where these sensitive zones are?

MR. DINOWITZ: Well, for the most part there -- there is no requirement that signage be posted saying, *This is a sensitive area*. For example, the Adirondack Park that was referred to earlier, it's a pretty big place. I don't think there will be, you know, signs all around it. But, you know, I don't want to -- there are a lot of things that people should know or should have a reason to know. Like, we don't have a sign -- and I'm not trying to be cute here again --

we don't have a sign posted outside saying, you know, *No murdering here*. I mean, there are some things that --

MS. GIGLIO: You've answered my question. Thank you so much. I'm just saying, you know, there are buildings that are leased by Stony Brook University in my district that, you know, somebody may not know that that is a -- a school campus.

MR. DINOWITZ: Why would they go there, then?

MS. GIGLIO: Why would -- why would somebody go there? I don't know, I'm just saying that, you know, there are a lot of buildings that are leased by educational programs or that are funded by the State that may not be posted and somebody may not know. I mean, what if the school decides to go to the Ponquogue Bridge and release a turtle because it's a school activity and it's funded by the State. Are they going to --

MR. DINOWITZ: Well, when they go through their training, part of the training would be that they're going to learn about these sensitive locations.

MS. GIGLIO: Okay, but they move around, especially in the marine world such as on Long Island with the Stony Brook University.

So, this bill makes the possession of a firearm, rifle or shotgun in a sensitive location an E -- a Class E felony. Class E felony is the lowest felony charge in the State of New York, which can often be pleaded down to a misdemeanor.

MR. DINOWITZ: That's correct.

MS. GIGLIO: So how do we know if someone was charged with a Class E felony and it was, you know, pleaded down? Are they -- they -- then they're fined?

MR. DINOWITZ: You know, I guess the same way that people who are convicted of other crimes where there was a --a plea bargain down, it's the same thing. It's true that many people charged with a Class E felony might plea down to a Class A misdemeanor, for example. But that -- that could be the case with any one of a number of other crimes.

MS. GIGLIO: Another background fails in -- in a lot of these cases. So background checks, if I'm reading it correctly, background checks will be required upon an application for a license and then for a renewal of a license and then for a purchase of ammunition, correct?

MR. DINOWITZ: Yes.

MS. GIGLIO: Okay. And again --

MR. DINOWITZ: He's handling ammunition, but I'm -- but yes.

MS. GIGLIO: Please, if you could answer for me.

MR. DINOWITZ: Just ammunition.

MR. ZEBROWSKI: That's all right. I'm in one of those starlight minutes. Can you repeat the question?

MS. GIGLIO: So the question is that a background check is required upon licensing, upon renewal and upon ammunition at purchase, correct?

MR. ZEBROWSKI: Right. Right.

MS. GIGLIO: So that even further gives my concern for how busy the State Police is going to be, not only with these background checks but with everything else that they're trying to do, and with the limited amount of people that are actually entering the Police Academy and wanting to become police based on the environment today. Thank you very much for your answer then. I think that we can all agree that we need to make sure that these temporary risk protection orders and that these emergency risk protection orders are taken seriously and that we have proper representation so that we are not letting these guns back out on the streets or back into the hands of people that are a risk to themselves and others as determined by a Supreme Court judge with the proper evidence.

MR. ZEBROWSKI: Right. So I was just going to say about the -- the money, and my understanding is that we have had conversations with the Governor's office who has had conversations with the State Police. Certainly there's going to be a requirement to invest to make sure that this operates effectively and that that has been the understanding.

(Buzzer sounds)

But thank you.

MS. GIGLIO: Thank you very much for your time.

Thank you.

So --

ACTING SPEAKER PRETLOW: Thank you.

MS. GIGLIO: Mr. Speaker, on the bill.

ACTING SPEAKER PRETLOW: You're -- I'm sorry, Ms. Giglio, your time has expired.

MS. GIGLIO: Oh, okay. Thank you.

ACTING SPEAKER PRETLOW: Maybe Ms. Walsh could follow your train of thought --

MS. GIGLIO: I think everyone knows where I stand, but thank you.

ACTING SPEAKER PRETLOW: -- but it's her turn to speak.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER PRETLOW: Mr. Dinowitz, will you yield?

MR. DINOWITZ: Yes.

ACTING SPEAKER PRETLOW: The sponsor yields.

MS. WALSH: I said that somewhat apologetically. I know that you've been answering questions for a really long time. I, too, have some questions about the sensitive locations part of the bill and I'll try to cover those relatively fast. The first has to do with shooting sports. So under -- in the bill, page 9 starting at line 32 it says that one of the sensitive locations is going to be any place used

for sporting events. So like in my district in -- part my district, Galway, it's a rural area, they have a trap shooting team that practices -- the school kids practice at a local rod and gun club, and so that's a sport where they're shooting clay pigeons and it's -- it's an awesome sport that they practice. Can they do this under this -- under this bill which says that they cannot have -- it's not just concealed carry, it covers possession of a firearm, rifle or shotgun.

(Pause)

MR. DINOWITZ: It's just -- is that considered, like, a hunting education training?

MS. WALSH: No.

MR. DINOWITZ: (Inaudible)

MS. WALSH: No, it's a sport.

MR. DINOWITZ: I guess that's covered under this list.

MS. WALSH: Okay. The second question is let's say that you -- you've met all the requirements, you've gone through all the training, all the background checking, everything -- everything that -- you've been allowed to conceal carry, you're walking down the street and you stumbled upon -- you weren't intending to -- to see it, but right in front of you is a protest. May you stay? Must you leave? Are you in violation of this law if you innocently come upon this protest or not?

MR. DINOWITZ: I -- I think the language says words like you knew or should have known. So perhaps that's not a

situation where you should have known.

MS. WALSH: Okay. All right. So it's -- it's pretty situational as far as -- let's say that you didn't know, but once you're there may you -- can you remain or must you leave right away?

MR. DINOWITZ: Well, when you get your training those types of situations presumably would be covered. So if you happened to be walking along the street and stumbled upon a protest, the -- presumably the training will be such that you'll know to get out of there.

MS. WALSH: Okay. All right.

Third question. I -- I have a district office and I -- I won't go into how small my staff is, but it's not very big. We have one or two people in my office at any given time. It's open to walk in, so people walk in and sometimes the people that walk in are incredibly irritable, screaming, mentally ill, challenging. And under this bill, though, is it not correct that one of my staff members who would have a lawful conceal carry could not carry during her job in that place because it is a State-run office?

MR. DINOWITZ: Well, you hit -- you got it. Any place owned or under the control of the Federal, State or local government for the purpose of government administration including courts. But you're a purpose of government administration. You would be covered by that, meaning they shouldn't -- they shouldn't be taking their concealed weapons in with them. I mean, we all have district offices and I'm sure we all have our share of people such as

you described. I know I do.

MS. WALSH: Yeah.

MR. DINOWITZ: And we deal with the situation in a professional way. We try to calm people down, we do whatever we can. If necessary, 911. I mean, you know, you have to react in an appropriate way. But yes, we would be -- we would not be exempt.

MS. WALSH: Okay.

MR. DINOWITZ: You would not be exempt.

MS. WALSH: Very good. Last question, and I know we're making a trip back to the Adirondack Park because I really am concerned about this part. So fun facts for you. The -- it's the largest park in the contiguous United States. It is 1/5th of the area of New York State. It is over 9,300 square miles - big - and it is a public park. So if I were, for example, as a woman solo hiking the Northway Lake Placid -- north of the Lake Placid trail which is 138 miles long and I was going to be, you know, camping and tenting along the way, I -- I -- would I be allowed to conceal carry for my protection along that hike in the Adirondack Park?

MR. DINOWITZ: Not unless you fall in one of the exempted categories of people.

MS. WALSH: Yeah, no, I don't fit into any of those categories. All right. Thank you very much, Mr. Dinowitz.

Mr. Speaker, on the bill.

ACTING SPEAKER PRETLOW: On the bill.

MS. WALSH: Thank you so much. So here we are,

and I agree with my colleague who said how refreshing that we're debating this in daylight. That is true. But that's not the only refreshing thing about this bill, honestly. This bill, in my opinion, is going to be about as effective at preventing gun violence as consuming Cuomo Chips is to the spread of COVID, honestly. It -- it creates an illusion of safety, but it's -- it's not really providing any additional safety to people. And I believe truly that there is a complete lack of understanding or appreciation for the idea that there could be a legitimate need or desire for self defense from bears, as somebody pointed early -- earlier, and just -- just generally bad people. Bad people that are out there. You might want to defend yourself. I mean, nobody's really covered it yet, but the -- we debated this before the end of regular Session, but the idea that we're going to ban any kind of body armor really doesn't address the idea that you may have somebody who works in a bodega or in a -- in a crime-ridden neighborhood who runs a business who's not going to be able to adequately protect themselves, and this bill kind of follows suit along that -- that problem. You can go through all the concealed carry requirements, go through all the screenings, go through all the training, get hundreds, ace your exams, all of them, passed all of the character background check, and when you get that concealed carry permit under this law you're not going to be able to carry it anywhere. You're -- you're really not going to be able to carry it anywhere. I think it is unconstitutional, I think it will be challenged, I think it will be rejected because as Justice Thomas stated in the -- in his decision

in the Bruen case, that you can't define the category of sensitive places too broadly. It -- it has to be defined narrowly enough. And I think that the amount of time that we've spent in this Chamber debating all of the different nuances about the sensitive locations part of this bill I think demonstrates that there -- that it is just a very broad piece of legislation in the way that it's defining sensitive place.

I also think -- and nobody's really talked about this yet and it's really an uncomfortable thing to bring up in a way, but I feel that an unintended consequence of this bill is really you're creating areas where people are just going to be sitting ducks, really. You're going to create areas like, for example, a church, okay? So back in 2017 around the Nashville village area the Burnette Chapel Church of Christ, a gunman entered, he shot a woman, he -- well, he shot her outside when she was going to her car, then he went inside to the church and he started shooting a bunch of people. There was an usher there who had a pistol, had a concealed carry and shot the shooter and saved untold numbers of people in this church from further harm. Under this legislation that hero would be charged with a Class E felony. And I just think that fundamentally that's -- that's not a good idea. I don't think that's where we want to be. I think that people who want to break the law are going to break the law, and that there so many things that this Body could do to help make our communities safer, but this particular piece of legislation is -- is not it. It's not one of the things that I will support.

I want to point out a -- a fact that I found very

interesting. At least 50 percent of homicides and 55 percent of non-fatal shootings involve people associated with gangs or street groups. Nobody seems to want to talk about that. Instead we're gearing legislation to really attack and place more and more and more hoops for people who are law -- law-abiding citizens who are going to be thoroughly vetted and our -- under our current law thoroughly vetted before they're allowed to conceal carry. So I think that since the SAFE Act in 2013, shooting deaths are up 220 percent here in Albany, 69 percent in Buffalo, 90 percent in Rochester, 79 percent in Syracuse, and what are we doing? I think we're going after the wrong people. I think that this is not a bill that I can support for those reasons and I would encourage my colleagues to instead of knee-jerk reacting to a Supreme Court decision that they don't like, to really be a little bit more deliberative and thoughtful in the way that we go about things because I -- I just think that this -- I think that this bill is going to be found to be unconstitutional and I think that it really is going to criminalize people who should not be criminalized, and at the same time not address the sincere problems with violence that we have in our communities all across the State.

Thank you, Mr. Speaker.

ACTING SPEAKER PRETLOW: Thank you.

Mr. Ashby.

MR. ASHBY: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER PRETLOW: Does the sponsor

yield?

MR. DINOWITZ: Yes.

ACTING SPEAKER PRETLOW: The sponsor yields.

MR. ASHBY: Thank you, Mr. Dinowitz. Earlier we were talking about sensitive areas. Some of them have the ability to opt out, it seems. Restaurants that don't serve alcohol, for example, would be able to place a sign allowing people to carry firearms in there. Why -- why are places of worship not allowed to do the same?

MR. DINOWITZ: It's -- it's -- there's no opt out. We have a list going from A through T of sensitive areas. It includes restaurants that serve alcohol. If a restaurant doesn't serve alcohol, it's simply a private business that's not on this list, they can make a choice. It's -- it's sort of opting in to allowing people to carry a concealed weapon in with them. So if a -- if a -- as I explained earlier, if a restaurant wants to be a gun-free -- a gun-friendly restaurant and they don't serve alcohol they can do so by simply posting a sign or making it well-known by telling people that, you know, *You can come in with your guns*, essentially. So the restaurant that serves alcohol would be in the same category in a sense as -- as -- as the religious institution.

MR. ASHBY: So why are religious institutions not allowed to do that?

MR. DINOWITZ: For the same reason that schools would not be allowed or government facilities, courts, hospitals. It's

been -- this legislation would deem them sensitive -- sensitive locations. I -- I can't imagine -- well, you know, I shouldn't limit my thinking to what I believe, but I can't imagine why anybody would want guns in a -- in a religious setting.

MR. ASHBY: It just seems -- it just seemed strange to me that the exclusion of alcohol would allow a business to do this but a religious -- a religious institution -- we want to be mindful of not telling a -- a restaurant what they can and can't do but a religious institution we can in this instance.

MR. DINOWITZ: The -- the religious institution, if -- if they are concerned about safety there -- there are people such as security people who are on the list. I have here registered security guards who have been granted a special armed registration card and are on duty. So they could have somebody like that on premises if they're really worried about -- about this. And -- and obviously I know that, you know, we've seen attacks such as on the, you know, the synagogue in Pittsburgh. There was a case in Texas not so long ago, same thing. And so, you know, some people are very concerned and I don't blame them. But there are ways to deal with that without allowing a situation where everybody can come in with -- or everybody who's licensed can come in with a gun. And I -- I would think that having a lot of people in one location with a gun could -- is not a good formula for safety, but rather is the exact opposite. All it takes is one angry person, all it takes is one mistake, one accident and people could be hurt. So I -- I cannot imagine why anybody would

want to see guns in a -- in a church, in a synagogue, in a mosque or any other religious location.

MR. ASHBY: Are lawful concealed carry permit holders a threat?

MR. DINOWITZ: Probably not in most cases.

MR. ASHBY: When they're cases that you just previously cited, if they're not a threat, what's your concern?

(Pause)

MR. DINOWITZ: The Court decision, the Bruen case, indicated that we can come -- we and any other state can produce a list of sensitive locations. Other states, by the way, have done just that, including in churches, and I'm not sure why of all this entire list why you would actually single out churches as a place that you would prefer to have people coming in with concealed firearms. I mean --

MR. ASHBY: I'm not sure why we're singling out lawful concealed carry permit holders, especially when you just said they're not a threat.

MR. DINOWITZ: We're not --

MR. ASHBY: But yet you want to limit their abilities in the freedom of movement, you want to limit their abilities of freedom to assemble. If they're not a threat then why are we placing limitations on them?

MR. DINOWITZ: Well, as I said I don't think most people would necessarily be a threat. Some people might. But the

point is is that we're trying to address the Supreme Court. They came out with the decision which some of you has characterized as a supermajority, and we're dealing with that. They ruled, they're the highest court in the land, so I'm not going to say they're wrong. But if they're right then they're right on our ability as indicated in the ruling that -- that sensitive locations can be exempted from people with concealed carrying permits to have to bring their weapons. I'm sorry, that includes any guns but certainly includes the concealed. It says so in the decision. Read it.

MR. ASHBY: Are you familiar with the Stand Your Ground Law? That -- that line of thinking?

MR. DINOWITZ: I don't believe we have that in New York.

MR. ASHBY: We do not. We have a -- it's a duty to retreat.

MR. DINOWITZ: Is that the law that resulted in the death of Trayvon Martin in Florida? Is that the same law we're talking about?

MR. ASHBY: I'm not familiar -- I'm not familiar of that application with it.

MR. DINOWITZ: Well, I am.

MR. ASHBY: And this -- and this -- in this instance it seems as though we are accelerating this mindset of a duty to retreat. You know, for example, if someone has a protest that's being held outside their residence - and this has occurred with numerous elected

officials - would they be allowed to exit their property with a firearm if they're a concealed carry permit holder?

MR. DINOWITZ: I'm not sure they should be on their property in the first place with a concealed -- if it's a government office.

MR. ASHBY: Their residence, and a protest is occurring.

MR. DINOWITZ: On their property?

MR. ASHBY: Correct.

MR. DINOWITZ: If they're concerned about their safety I would think the first thing they would want to do is call the police and say that they're being trespassed on.

MR. ASHBY: And then retreat, essentially, correct? On their own property.

MR. DINOWITZ: Well you can retreat -- you can stay in your house. That's not a retreat. How is that a retreat? I mean, I would hope that rather than coming out with guns blazing that most people would make the rational decision to try to avoid any kind of confrontation that might involve somebody shooting somebody.

MR. ASHBY: What if, in fact, they were trying to do that by exiting and leaving?

MR. DINOWITZ: Calling the police I would think would be the sensible move in a situation like that.

MR. ASHBY: What if they were trying to leave?

MR. DINOWITZ: Call the police.

MR. ASHBY: And wait?

MR. DINOWITZ: How long do you think -- how long does it --

MR. ASHBY: It can take a while. Sometimes it takes a little time.

MR. DINOWITZ: Well (inaudible) --

MR. ASHBY: If you have the ability to egress on your own --

MR. DINOWITZ: If I dialed 911 in a circumstance like that in the City - I know distances are closer and shorter - I would think the police would come pretty quickly.

MR. ASHBY: Earlier a colleague of mine had -- had talked about the substitution of military qualification on the range to be able to substitute that for the concealed carry permit, and as I recall that is no longer acceptable; is that correct?

MR. DINOWITZ: That military training is no longer acceptable?

MR. ASHBY: Their range score of what they use on the range at a military installation for a 9 millimeter, right, they can use -- right now they can use that score to apply for their concealed carry permit and use that as competency, to demonstrate competency. Under this law it seems as though they won't be able to do that. Why?

MR. DINOWITZ: Military and law enforcement -- military and law enforcement there's an exemption.

MR. ASHBY: For their privately-owned firearms.

MR. DINOWITZ: Under LEOSA, as was mentioned earlier.

MR. ASHBY: The terminal end of the conversation resulted in their personal weapons, they wouldn't be able to -- they wouldn't be able to do that.

MR. DINOWITZ: Okay.

MR. ASHBY: That -- that's what it sounded like and I'm asking why. Why they -- why they wouldn't be able to use the record that they can use for the Army, Navy, whatever their service is, why they wouldn't be able to use that for New York State.

MR. DINOWITZ: They are subject to the same rules that most of us are.

MR. ASHBY: Okay. Thank you.

Mr. Speaker, the bill.

Mr. Speaker, it seems as though --

ACTING SPEAKER LAVINE: On -- on the bill. On the record, on the bill.

MR. ASHBY: Thank you, Mr. Speaker. Again, it seems as though this mindset of duty to retreat, this overreach, this neglect of the constitution is just further extending and this bill is evidence of that. I encourage all of my colleagues to vote no.

Thank you.

ACTING SPEAKER LAVINE: Thank you.

Mr. Manktelow.

On Zoom, Mr. Manktelow.

(Pause)

Mr. Manktelow needs to be unmuted.

(Pause)

We're going to wait briefly while Mr. Manktelow gets himself connected or does not get himself connected.

MR. MANKTELOW: Can you hear me now?

ACTING SPEAKER LAVINE: Mr. Manktelow.

(Pause)

MR. MANKTELOW: Yes. Can you hear me?

ACTING SPEAKER LAVINE: Thank you, Mr. Manktelow. Please proceed.

MR. MANKTELOW: Thank you. Mr. Speaker, will the sponsor yield for a question?

ACTING SPEAKER LAVINE: Will the sponsor yield?

MR. DINOWITZ: Yes, I will

ACTING SPEAKER LAVINE: The sponsor yields.

MR. MANKTELOW: Thank you. And I apologize. I was unmuting and unmuting, and it just wouldn't -- it wouldn't unmute. Hey, I have a couple of questions. One question I have, so just to help me understand this. A Vietnam veteran who served in Vietnam, in the jungles of Vietnam defending our country, that individual would not have an exemption with this new law being proposed?

MR. DINOWITZ: Are you asking specifically about

a Vietnam veteran or any veteran?

MR. MANKTELOW: Well, most veterans. I had -- I had a Vietnam veteran asking me the question already and wondering where he would fall in that situation. So I guess I'm asking for him.

MR. DINOWITZ: No.

MR. MANKTELOW: No. So he would have to follow all the rules and regulations like a normal person would?

MR. DINOWITZ: Correct.

MR. MANKTELOW: Okay. All right. Second question, Mr. Sponsor. Back to the situation with the churches. So if I was carrying -- carrying a concealed, which I can, and I was in a church service and we had an active shooter come in and this law was already passed and I took out that active shooter, would I then be subject to being arrested myself?

MR. DINOWITZ: I think that would be up to the local authorities.

MR. MANKTELOW: So it's going to be put on one person, on the judge, then, at that point; is that correct?

MR. DINOWITZ: Well, I mean, it also depends on whether you had an exemption. There's a long list of possible exemptions.

MR. MANKTELOW: And -- and again, just help me understand, Mr. -- Mr. Sponsor. Who -- who made those exemptions?

MR. DINOWITZ: Well, let me go through the exemption list.

MR. MANKTELOW: No, I just want to know who made the -- made the exemptions. Who came up with the list?

MR. DINOWITZ: This -- it's what's in the legislation.

MR. MANKTELOW: Yes, but who -- who put that in the legislation? Who created the list to be put in the --

MR. DINOWITZ: Well, we, the Legislature, are putting it in the legislation. So, for example, police officers, peace officers, retired law enforcement officers, registered security guards who have been granted a special arms registration card and are on duty, active duty military personnel, persons possessing a license to carry a concealed weapon in relation to employment while on duty. A government employee under the express written consent of such employee's supervising government entity for the purpose of natural resource protection and management, persons lawfully engaged in hunting activity including hunter education training and persons operating a program in a sensitive location out of their residence as defined by the section which is licensed, certified, authorized or funded by the State or municipality as long as such possession is in compliance with any rules or regulations applicable to the operation of such program and use or storage of firearms. So that's a pretty exhaustive list of exemptions.

MR. MANKTELOW: Except for -- except for veterans. They're not on that list.

MR. DINOWITZ: Well, they're obviously a number

of categories of people that are not on the list, but there are many that are on the list.

MR. MANKTELOW: I was just wondering why with all the extensive training that our men and women have in service and why they would not be considered on that list. It just doesn't make a whole a lot of sense. I would just -- I don't -- they probably have more training and understanding of how to use a weapon, how to be doing the right thing and the wrong thing, identifying what they're shooting at more so than most anybody in this country, but yet we tended to leave them out in New York State.

MR. DINOWITZ: Well, they -- they are off, that's correct.

MR. MANKTELOW: Okay. All right. So I've got another question. Back to our DOs, our district offices. So, according to this when this passes and will be signed into law, and anybody that works in our DOs will then not be able to carry -- carry a concealed including myself, correct?

MR. DINOWITZ: Yes.

MR. MANKTELOW: In -- in our situations in our rural areas -- I've had this debate a few years ago, our 911 operators do a fabulous job. Our law enforcement individuals do a fabulous job. But there's only so many of them to go around. In a situation like that, why would somebody in our DO not be able to protect themselves because a bunch of politicians said they're not on the list?

MR. DINOWITZ: Because they would be on the list

of sensitive locations and, therefore, they would not be able to carry the gun in with them. I'm not sure how else to explain that.

MR. MANKTELOW: I mean, I think this goes back to when this piece of legislation was created, again, like we do quite often here in Albany, we do not bring all the players to the table to make sure all the voices are heard prior to putting a piece of -- piece of legislation to a -- to a vote. I mean, we've been waiting for this for over 24 hours. Now we're seeing it. Unfortunately I haven't had a chance to read the whole thing. But it just seems, again, like we've put the -- the cart in front of the horse and now we're taking our law-abiding citizens that work in our DOs and putting them in harm's way because in a -- in a rural county it could take a police officer or a first responder ten minutes, 15 minutes, a half-hour, 50 minutes. In that situation wouldn't it be better for them to have the opportunity to protect themselves other than just sit there and take whatever they've got to dish out? And it just -- it just seems again like we're -- we're hurting the law-abiding citizens, and that should be a decision on the individual that works in our DO with us as Assemblymembers. Again, it just -- I don't understand. I just -- I don't understand how this is good legislation.

And just my last question --

MR. DINOWITZ: If my --

MR. MANKTELOW: Go ahead.

MR. DINOWITZ: If my constituents knew that I or the people who work in my district office were carrying a gun, I'm

sure they would be appalled. I'm sure they wouldn't come to my office. But these type of locations, whether it's our office or any one of the other ones mentioned in here, these are places that are historically considered ones that should not be places where there are guns. The Supreme Court asked -- invited us to put out legislation, in essence, which lists sensitive locations. We've done exactly what they wanted us to do under the court ruling. So we are again talking about it, but this is what the Supreme Court ruling said.

MR. MANKTELOW: So how many members on either side of the aisle that live in rural areas had the opportunity for input on what we just talked about?

MR. DINOWITZ: I -- I don't know how many of the members asked their community for input. What I do know is that many of our members do represent rural areas and we are elected to represent them. And that means that we don't take a poll on every issue, we -- we take positions on issues and if the constituents have a problem with that or disagree then they have -- they have recourse.

MR. MANKTELOW: Well, the recourse is exactly what we're doing right now. We legislators that live in a rural area are saying this is not going to work. We're hearing from our constituents that it's not going to work. They don't appreciate their rights being taken away. They don't -- they appreciate having the opportunity to defend themselves in our rural areas, and this is what we do. This is how we're supposed to do this.

MR. DINOWITZ: Nobody's rights are being taken

away. And, you know, it's interesting. During the course of this discussion, a few times some of -- some of our colleagues have referred to the ability of poor people being able to defend themselves. It almost sounds like all the crime is in some communities and not others, but the way you're talking now it's as if you're being overrun with people with guns and I just don't think that's the case.

MR. MANKTELOW: No, it's -- you are -- you are exactly right, it's not the case. Because right now we are able to defend ourselves with the way the law is with the carry concealed. I have a right to defend myself in some of these places that you're going to take off -- off the list -- or you're going to put on that list. So now I'm not able to protect ourselves or a lot of our constituents will not be able to do so. Just like when my one colleague suggested, you know, walking through the Adirondack Park as a female, by herself. Why would she not be able to have the right, because you and I both know that people that want to create or do bad things know that no one's carrying a weapon or a carry concealed, that just opens the door for them to come in. And that just kind of leads into my last question. We've talked about -- I've heard a lot from everyone today, a lot of good points of why we feel we're losing our rights again and not being able to protect ourselves. But what -- what I'm saying and what I'm hearing is what are we doing to stop the bad people, the individuals that are creating the crimes, doing the shootings? This law does nothing to change that. They're just going to go and get the weapons someplace. They're going to go over the border, they're going to get

their ammo. They're already doing that. So why on earth would we stop our people, our legal -- our people that obey the law and do the right thing from being -- having the ability to protect themselves?

So that is where I see this. I appreciate your time.

MR. DINOWITZ: Concerning about people losing rights is pretty selective. Considering what else the Supreme Court ruled on last week and how they took away rights from tens of millions of women, I -- I really --

MR. MANKTELOW: This is not --

MR. DINOWITZ: (Inaudible) that this is the thing you're most concerned about right now.

MR. MANKTELOW: No, Mr. -- Mr. Sponsor, this is -- this is -- that part's not on this bill. We're just talking about this bill. And what I'm hearing -- excuse me, I appreciate your time.

Mr. Speaker, on the bill.

ACTING SPEAKER LAVINE: On the bill.

MR. MANKTELOW: Thank you, Mr. Speaker.

Again, as I've just discussed and many of my colleagues, and I know some of my colleagues on the other side of the aisle would like to speak up about this. We're hurting the law-abiding citizen. We're not allowing them to protect themselves, not allowing them to have their Second Amendment rights. And between the ammo situation and many of the other things that my colleagues brought up, this is not a good bill. This is not going to do anything to stop bad people from doing bad things. And as the sponsor said, in his area he's liable to get

a police officer much quicker in the City because there's more individuals there, more police officers. Again, one size doesn't fit all for New York State. And if we're going to try to build the State, become New Yorkers and become the Empire State again like it used to be, a great state, we need to have that flexibility to make it work in our areas that may not work in the other ones. And if we don't try to do that and listen to all of us on both sides of the aisle, we're never going to get there. Our State will go down the tubes, and that's what we're seeing.

So I'm going to urge my -- urge my colleagues to vote no on this because it doesn't fit everyone in our State. Thank you, Mr. Speaker.

ACTING SPEAKER PRETLOW: Mr. Keith Brown.

MR. BROWN: Thank you, Mr. Speaker. Can you hear me okay?

ACTING SPEAKER PRETLOW: We hear you.

MR. K. BROWN: Will the sponsor yield for some questions?

MR. DINOWITZ: Yes. Your voice is a little muffled, though.

MR. K. BROWN: Okay. Thank you, Mr. Dinowitz. I'm sorry I can't be there in person, so I do appreciate you accommodating me by taking my questions by Zoom. I'm going to start off by asking in terms of the application of this law, has the Superintendent of the State Police, has he been apprised of this law

and asked about whether or not the State Police is going to be able to administer this law in terms of the background checks?

MR. DINOWITZ: Agencies have been apprised and it was discussed with the agencies.

MR. K. BROWN: And currently there's no funding for additional background checks that the State Police are going to have to do; Is that correct?

MR. DINOWITZ: I'm -- I'm not sure that it's the case that no funding is available for the additional background checks. Keeping in mind also that the additional background checks would generate additional fees to the State.

MR. K. BROWN: So it's going to be -- in terms of administering this it's going to have to come from the current budget that the State Police has, right?

MR. DINOWITZ: I -- I think that the State has a certain amount of leeway in how certain money is spent. I imagine that the Governor is very interested in making sure that this is successful. And we can use existing resources from the Executive, but also from future budgets.

MR. K. BROWN: And would you agree that this is going to be a tremendous amount of additional work that the State Police is going to have to do as it relates to -- to administering this new law?

MR. DINOWITZ: I think there might be some additional work. Whether I would say tremendous, you know,

tremendous amount of additional work I'm not sure that's the case.

MR. K. BROWN: Well, it's just one of my first concerns is that I don't -- I don't know how --- one of my colleagues brought it up earlier, how the State Police, given what they are currently trying to do with their current budget and how they're going to be able to administer this new law.

I'm going to switch gears because my next biggest area of concern is the restricted location portions of the bill. So currently, criminal possession of a firearm is classified by what type of crime?

MR. DINOWITZ: Criminal possession of a firearm is a Class -- yeah, I mean, it depends on the degree but it's a felony.

MR. K. BROWN: Right. Most likely a Class E felony, right? The lowest level of felony?

MR. DINOWITZ: The lowest level of felony is a Class E felony.

MR. K. BROWN: Right. And criminal possession of a firearms is likely in that category, correct?

MR. DINOWITZ: I'm not sure you've been clear. Are you referring to the -- the new crimes we just created in this bill or -- or currently exists?

MR. K. BROWN: The current law.

MR. DINOWITZ: It depends. There are different degrees of criminal possession.

MR. K. BROWN: Well, let me ask my question this

way. Statistically, has gun violence increased in the State of New York in the last couple of years and months?

MR. DINOWITZ: I would say that in the last couple of months from everything I've seen there's been a decrease. I would say since the beginning of the pandemic there's been an increase. I would say it depends on how far back you want to look. If you want to go back to the year 2000 there's been a marked decrease. If you go back to the beginning of -- if you go back to March of 2020 there's been an increase. But this year, at least insofar as the City is concerned, it's my understanding that shootings are down this year as compared to last year. So I guess I would say that the height of the recent spike probably was last year, but because crime was so low in the City and in the State in recent years the crime is still way, way down from its peak back -- you know, back in the day. But yes, in the past few years it's been higher but it's trending down as far as I know.

MR. K. BROWN: Well, I would submit to you that the Class E felony for a criminal possession of a firearm has done nothing to dissuade gun violence on the streets of our cities. Would you agree with that sentiment?

MR. DINOWITZ: No, I don't agree with that.

MR. K. BROWN: Let me get to my point. The point is that the new restricted area for a person to bring a weapon into a restricted area is going to be punishable by a Class E felony; is that correct?

MR. DINOWITZ: Say the last sentence again. I'm

sorry.

MR. K. BROWN: The new law -- the new law, if you carry a firearm into a restricted location, that's going to be governed by a Class E felony -- punishable by a Class E felony, right?

MR. DINOWITZ: Class E felony punishable by one to four years in prison.

MR. K. BROWN: Okay. And we heard my colleague say that according to the recent statistics that the average sentence for criminal possession of a firearm is about five months.

MR. DINOWITZ: Well, he said that. I don't know if it's true but I won't argue it since I have nothing to dispute that with.

MR. K. BROWN: Okay. Well, there's some -- there's some really good Department of Justice statistics out there. I'll give you one. Among prisoners who possessed a gun during their offense, 90 percent did not obtain it from a retail source. That would tell me that most prisoners get -- are using illegal guns for criminal activity. Would you agree?

MR. DINOWITZ: I -- I would say the majority of -- of people who have been convicted are using illegal guns. Yes, I do agree.

MR. K. BROWN: Right. And also this comes from the State Attorney General's Office: Nearly nine out of ten crime handguns recovered by law enforcement came from out-of-State. Would you agree with that?

MR. DINOWITZ: Yes. I think a very significant

percentage of the guns in New York come from out-of-State, which is why it's outrageous that the Congress is refusing to act on most of the legislation that is necessary. They passed some legislation but it only deals in a very limited way. So as far as I'm concerned, the lack of -- of movement on the part of the Congress due to the opposition of the Republican Party is causing people in New York to die.

MR. K. BROWN: If we were on trial I'd move to strike that portion of your response, Mr. Dinowitz, but we're not. So let me -- let me ask you this: So what portion of this bill deals with criminal -- criminals possessing firearms and using them in -- in the action of a crime?

MR. DINOWITZ: This legislation, we're not talking about new stuff here. We had a law on the books for over 100 years. It wasn't enacted by the, you know, the liberal Democrats in the Assembly, you know, five years ago. This was on the books over a century ago. It was challenged, the Supreme Court overruled it, they overturned it and we had to come up with something to address that. The Supreme Court said that we have the right to make certain limitations. The Supreme Court said that we can designate certain areas as sensitive locations and we're doing exactly what the Supreme Court indicated we can do. This is not new stuff. We're doing everything in reaction to their overturning this century-old law that was great until they -- until the Court composition changed.

MR. K BROWN: I'm -- I'm very glad you brought up the Bruen holding, which I'll read for you right from the case, because

I've read the case. It says, "New York's proper cause requirement violates the 14th Amendment by preventing law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms in public for self defense." That's straight from the case, I'm reading it right here.

MR. DINOWITZ: Right. I read that earlier today, you may have missed it.

MR. K. BROWN: So -- so let me ask you, so we're creating this opt-out provision, right, which in terms of the number of, if you are a -- a business that's not part of the -- the sensitive area list, right, you have to put a placard up if you want to be gun friendly, correct, and no placard if you don't; is that correct? Do I understand that right?

MR. DINOWITZ: If you want to allow guns into your -- concealed guns into your establishment, you have to put up a sign saying, you know, guns welcome.

MR. K. BROWN: Right. But meanwhile, the Supreme Court decision in Bruen said that a citizen has a right to bear arms in public for self defense. And I appreciate, you know, the fact that I am not a gun owner, I grew up with guns in my household. My father had rifles, my father was a World War II vet, my father had a pistol permit, my father was a judge and he brought his pistol to -- to court with him for additional protection, especially when he did night court when he was a District Court Judge. But I myself don't own guns and there are none in my household; however, I respect, I respect

the Constitutional right of every New Yorker that if they want to bear an arm to protect themselves they have that right under the Second Amendment. And in just hearing the debate today, your position if I understand it correctly, is that you believe that the average citizen does not and that we -- they should rely on the police to come, the so-called "retreat" that was being discussed before, because we should rely on the police for self protection despite how long it might take them to react to a crime. Do I understand your position correctly? I don't want to put words into your mouth, Mr. Dinowitz.

MR. DINOWITZ: Well, when -- when the issue was brought up with respect to people outside somebody's home, there wasn't even the slightest indication that they were being menaced, threatened with a gun so yes, I do not think that somebody should go out there with a gun threatening to shoot and kill somebody just because somebody is outside before they could at least make the attempt to call the police. But let -- let me just say in response to --

MR. K. BROWN: Now, the court.

MR. DINOWITZ: -- what you said. Let -- let me finish my sentence, let me finish --

MR. K. BROWN: Okay.

MR. DINOWITZ: -- because it's a long sentence, that the -- your -- your Second Amendment rights are not unlimited and in the court ruling it said, like most rights, the right secured by the Second Amendment is not unlimited. The right is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for

wherever purpose -- whatever purpose. For example, it is fairly supported by the historical tradition of prohibiting the carrying of dangerous and unusual weapons that the Second Amendment protects the possession and use of weapons that are in common use at the time. The point being that the Second Amendment isn't an unlimited right to carry guns wherever you want no matter what. There are limits and we have the right to impose limits, and the court ruling in Bruen said so.

MR. K. BROWN: I couldn't agree with you more, and that's why they also said that the government must demonstrate that -- that the regulation is consistent with the nation's historical tradition of firearm regulation. And we heard at the outset the Floor Leader talk about how this law is such a divergence from the history of gun regulation in this country. So I ask you, under this new rule with the opt-out, does a business owner have a right to carry a weapon to protect themselves? Let's say, we'll use the case of a convenience store owner, right? He's got a -- I'm sorry, he does not have a placard, right, and is he allowed to possess a weapon to protect himself when an illegal activity can occur, someone with a weapon can come into his store and try to rob him and he has no ability to protect himself except for calling 911.

MR. DINOWITZ: If the business owner is a not on the list of places -- of -- of locations that we describe, such as a restaurant, a pizza place, a pizzeria that doesn't serve alcohol. I don't know how it is elsewhere, but I don't think that places that sell pizza

where I am serve alcohol, then they're not on the -- on the sensitive location list and --

MR. K. BROWN: Right.

MR. DINOWITZ: -- and they have the right to post a sign saying that, you know, guns welcome.

MR. K. BROWN: Right. You answered my question for me. That person is left defenseless.

On the bill, Mr. Speaker. Thank you, Mr. Dinowitz.

MR. DINOWITZ: You're welcome.

ACTING SPEAKER PRETLOW: On the bill.

MR. K. BROWN: Mr. Speaker, I -- I am very concerned about this bill. I am not a gun owner but I appreciate the right of fellow New Yorkers to -- to own and possess a weapon for their own self-defense. What this -- this bill does absolutely nothing to solve the proliferation of gun violence on the streets of our cities here in New York. It presumes that criminals do not carry firearms into these, quote/unquote, "sensitive areas." So it leaves business owners completely helpless.

Now, I listened to the debate all day today, I heard the arguments back and forth and it's amazing to me that at one point we're talking about where people are advocating defunding the police at the same time people are relying on the police to come when a problem occurs and when criminal activity occurs. I believe this bill misses the mark completely and it targets law-abiding citizens, not violent criminals. It continues this manifestation of taking away of

rights of people who obey the law. And I'm -- I'm really concerned about the fact that it was slapped together in a week, right, and that we stood around yesterday waiting for the bill to drop. I -- I think it's misguided, I don't think it's well thought out, and I think it's absolutely unconstitutional. It's going to be challenged in the court just like the Bruen case was, particularly this opt-out provision which makes no sense. It's absolutely bass-akwards. It should be the fact that a person should be able to go into that establishment and be able to protect themselves, especially if they're a business owner and there's -- there's recent criminal activity.

So for all those reasons, I'll be voting against this bill.

Thank you very much.

ACTING SPEAKER PRETLOW: Mr. Burke on Zoom.

Mr. Burke on Zoom.

MR. BURKE: Oh. Hi, sorry. I thought you had called someone else. Will the sponsor yield for some questions?

ACTING SPEAKER PRETLOW: Does the sponsor yield?

MR. DINOWITZ: Yes, I do.

ACTING SPEAKER PRETLOW: The sponsor will yield.

MR. BURKE: Thank you, Mr. Dinowitz. Do you know how many guns exist in America per 100 residents?

MR. DINOWITZ: How many guns in America per

100 residents? More than 100.

MR. BURKE: Correct, yeah. Right now it's 120.5 guns per 100 people. Do you know how many guns existed in America per 100 residents in 2011?

MR. DINOWITZ: Probably a smaller number I would bet.

MR. BURKE: So it was 88 guns per 100 residents, so that's, I'm going to say about a 30 percent increase in the amount of guns in the United States. Would you consider that a proliferation of firearms?

MR. DINOWITZ: That is definitely a proliferation. And we are the only country in the world, the only country in the world, the democracies, autocracies, we're the only ones that are in that a kind of situation. It's really un -- unbelievable.

MR. BURKE: Do you -- do you know the next highest country in rate of guns per resident by any chance?

MR. DINOWITZ: I don't, but I'll -- I would guess it's some country that we -- Iran or some country like that.

MR. BURKE: It's -- it's Yemen.

MR. DINOWITZ: Okay.

MR. BURKE: And I presume you also wouldn't know how many guns per resident they have in Yemen per 100 people, do you?

MR. DINOWITZ: And I believe Yemen is in the middle of a civil war.

MR. BURKE: Sure. How many -- how many -- how many guns per 100 residents in Yemen, do you think?

MR. DINOWITZ: I don't know, but I'll bet it's a small fraction of us.

MR. BURKE: It's 62.8 guns per 100 people in Yemen. And that is the next highest, and they're significantly higher than most of the other countries and we are basically double the amount of firearms. And I have to imagine, most reasonable people would think that more firearms would mean more people are harmed by firearms, wouldn't you -- wouldn't you agree with that?

MR. DINOWITZ: Yes, I do.

MR. BURKE: But we're not the only ones. So Harvard University would also agree with us and they would -- they would say the proliferation of firearms even when you make up for economic status, poverty, a bunch of other factors, when you -- when you even those things out, more firearms means more deaths by firearm.

So there's some -- some other interesting things that I would just like to ask you. I presume -- I presume you wouldn't know it because it's not in front of you, but there are four sort of tiers of concealed carry permits that I've seen, and it's interesting to see the sort of growth and access to concealed carry firearms. So are you familiar with a no issue status as a state? So no issue would be the state does not allow for concealed carry of any kind. They don't issue permits, you're not allowed to have a conceal carry; are you familiar --

are you familiar with that?

MR. DINOWITZ: You probably could enlighten me a little bit.

MR. BURKE: Sure. Well, there might be a reason you wouldn't be familiar with it because in the United States now there are zero no issue states. So in 2021, there's -- there aren't any states that -- where you can't get a -- a concealed carry. But in 1980, there were 21 states, okay? So -- and what about -- so there -- there's four categories, so there's no issue, there's may issue, there's shall issue and then there is permitless, meaning you just -- you can just do what you want. So in -- in 1980, there were -- there were 21 no issue, you couldn't get a concealed carry, and in 2021 there's zero. Do you think that would also go along with this idea of proliferation of firearms?

MR. DINOWITZ: I think the proliferation in this country over -- in recent decades has been -- has been shocking. Any time there's -- people seem to, many people seem to react in what I would consider the opposite way that's in our collective interests when, you know, some of these horrible incidents take place. You know, the fact is if you look at numbers, the number of people killed in the United States of America in a two-year period from guns whether it's by -- by suicide, by murder, the number in two years is greater than the total number of Americans killed in the Vietnam War. I mean, think about that. It's almost like we are at war, but with ourselves and we are losing because the casualties just keep on

mounting. And I'm pretty sure that if we didn't have so many guns we wouldn't have so many dead people.

MR. BURKE: It's certainly incredible to think of the -- the solution to an extraordinary amount of an incomprehensible amount of guns, the solution to that is more people with more guns. That -- that's an incredible idea. So -- but I want to get back to the amount of -- the sort of switch. So in 1980, there were 21 no issue states, now there are zero no issue states. In 1980, there were 24 may issues, so New York State was one of those may issue a concealed carry. There were 24 states and now there are only eight states where it's may issue. In 1980, there were four shall issue a concealed carry. Do you know how many there are now?

MR. DINOWITZ: I do not.

MR. BURKE: Twenty-one. So you have to issue the permit. In 1980 there was one permitless, and now I'm guessing you don't know how many -- where you don't even need a permit of any kind. Do you know how many there are now?

MR. DINOWITZ: No. How many?

MR. BURKE: Twenty-one. It's extraordinary. So -- so do you think this happens in a bubble or do you think there is -- do you think there is energy behind this? Do you think this is an organized effort or do you think this is organically happening by popular choice from the American people?

MR. DINOWITZ: I don't think most people, including people in some of the more conservative states, want the

proliferation of guns to continue. I think most people would prefer the exact opposite. You know, I was looking recently at statistics, other statistics, and I think I cited it on the floor here at some point that when -- when some people were talking about the murder rate in New York City, I pointed out two cities; one was Austin, Texas and one was -- I actually forget which city in Florida, it may have been Tallahassee, but it was a major city in Florida had much higher murder rates than New York City. Two states that are run by ultra-conservative Governors and Legislatures and, yet, they have higher murder rates. And I won't get into the reason why I was discussing it last time, but it had to do with another discussion. But the point being that making guns more accessible to people does not lower the murder rate, I believe it does not make people safer; in fact, it has the opposite effect. The more guns you have, the -- the less safe people are in general. That is what I believe and I think the facts bear it out.

MR. BURKE: So with previous speakers, you were -- you were asked, you know, why are we here and I think you -- you pretty much said that it was in response to the Supreme Court's decision, correct?

MR. DINOWITZ: Yes.

MR. BURKE: And I believe several members had had said, well, this was an overwhelming decision, this was a 6-3 decision and we should respect the courts, which I think -- I think this bill does recognize the authority of the Supreme Court. But I think

there is this insinuation that we should be deferential because it was a supermajority decision, but it seems to leave out, or many of the -- much of the commentary is leaving out how we got to that point, right, so it -- it wasn't as if the -- the people of this country, we didn't elect these Supreme Court Judges and they didn't just happen to go there, there was a bunch of politics that led us to this point in this country where the Supreme Court is -- is really becoming an activist in -- in far-right leaning Supreme Court. Would you -- would you agree with that, as well?

MR. DINOWITZ: Yes. I -- I would say that -- first, I have tremendous respect for the institution, the Supreme Court. Honestly, I don't have respect for the some of the justices on the Supreme Court because if we are not an activist court, if we respect tradition, if we respect precedent, then what happened last week in another matter which we'll be dealing with after this would have never happened. They don't have respect for -- for the precedent and, in fact, one of the -- the person who wrote the decision in this case indicated that he would like to reverse other rights that people have and in this country, we've never taken away people's rights until now, until this court that was packed with -- with people by -- by a disgraced President.

MR. BURKE: And -- and just -- so the bill -- the bill that was overturned, how long had that statute been in existence for?

MR. DINOWITZ: Over a century.

MR. BURKE: Over a century. Okay. All right.

Thank you, Mr. Dinowitz.

MR. DINOWITZ: Thank you.

MR. BURKE: On the bill.

ACTING SPEAKER PRETLOW: On the bill.

MR. BURKE: Like I said before, I think it's -- it really is incredible that we kind of keep doing the same thing, and it's the same talking points. Instead of addressing guns in a very serious way, it goes to the -- the NRA's produced talking points and we talk about it's a mental health issue, it is, you know, we need more good guys with guns. Even though, you know, in -- in Buffalo there was a good guy with a gun in that supermarket and sadly, a really bad guy who had legally acquired a firearm killed him and a bunch of other innocent people, and we're seeing it all too often in this country. And I said it before on the floor, when you arm the population of people, a certain percentage of that population is going to be violent and dangerous no matter what, especially when you're in a highly politically charged environment that we're in. And the answer to that problem isn't more and more and more and more guns.

I think we have to address this sincerely. I believe this bill, while I have some concerns about it, it isn't perfect, is trying to respond in an appropriate and responsible way to address what the Supreme Court has done in a very activist and I think politically minded matter. So I will be supporting this bill. Thank you.

ACTING SPEAKER PRETLOW: Mr. Lawler on Zoom.

MR. LAWLER: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER PRETLOW: Will the sponsor yield?

MR. DINOWITZ: Of course.

ACTING SPEAKER PRETLOW: The sponsor yields.

MR. LAWLER: Thank you -- thank you, Mr. Dinowitz. So at the end of the court order, the opinion of the -- the court it says, "New York's proper cause requirement violates the 14th Amendment in that it prevents law-abiding citizens with ordinary self-defense needs from exercising their right to keep and bear arms. We therefore reverse the judgment of the Court of Appeals and remand the case for further proceedings consistent with this opinion." Why are we not waiting for those further proceedings to take place before acting?

MR. DINOWITZ: Because we just don't wait around in this Legislature, we like to be proactive.

MR. LAWLER: So you think this is an immediate need to act?

MR. DINOWITZ: I think this is a very important issue.

MR. LAWLER: Well, it -- it requires immediate attention --

MR. DINOWITZ: Sure --

MR. LAWLER: -- this decision?

MR. DINOWITZ: Absolutely.

MR. LAWLER: So why is the bill taking effect September 1st and not July 1st?

MR. DINOWITZ: Because we want to make sure that the various agencies involved have a little startup time to deal with what they have to deal with. So we're giving them two months.

MR. LAWLER: So given the fact that we're giving them two months, wouldn't it have been made more sense to maybe craft a bill before calling the special Session and dragging everybody here for the last 36 hours waiting around?

MR. DINOWITZ: Well, I don't feel like I was dragged here. I came here very enthusiastically to deal with two very important issues that need to be addressed by the Legislature. So dragged, no, I'm very -- I'm very eager and excited to be dealing with this bill as well as the amendment -- the resolution we're going to deal with after this.

MR. LAWLER: I -- I'm sure you are. So when this bill takes effect, where exactly can someone who does get a concealed carry in the public utilize that concealed carry? Like, we have all these new categories that we're adding. So where exactly are they able to use that conceal carry?

MR. DINOWITZ: They can use that concealed carry anywhere if they are -- one of the -- in one of the exempt categories of people such as police officers, and they can use it at any place other

than the 20 -- the locations that are on that list of 20.

MR. LAWLER: Okay. Those -- let's put aside the exempted categories because most people do not fall into the exempted categories and, in fact, part of the reason the Supreme Court threw out the law was because so many people were arbitrarily discriminated against with respect to getting a concealed carry. So now it's going to be easier to get a concealed carry; however, you're not going to be able to carry it anywhere. So the question really is given the extensive list of 20 categories that you've outlined as part of this bill, can you enumerate for the public and us as legislators areas where people are actually going to be able to carry their firearm under a concealed carry permit? Like, do you have a specific location where there's not a question, you're absolutely allowed to carry. Are you allowed to carry on a public sidewalk?

MR. DINOWITZ: If it's not on this list of sensitive locations the answer would be yes.

MR. LAWLER: So can you just enumerate for us like a really clear example of a location?

MR. DINOWITZ: Yes. In front of your house.

MR. LAWLER: Okay. So like on my driveway in front of my house, or on the sidewalk in front of my house, or on the public street in front of my house?

MR. DINOWITZ: I would -- I would say both.

MR. LAWLER: Can we elaborate?

MR. DINOWITZ: I would say all of those.

MR. LAWLER: Okay. And if I -- and if I walk up the block to my neighbor's house, is that okay?

MR. DINOWITZ: If your neighbor allows it, it would be okay.

MR. LAWLER: Even if I'm on the public sidewalk?

MR. DINOWITZ: Well, if you're on a public sidewalk then it's not in your neighbor's discretion to determine what you can do.

MR. LAWLER: Okay. So -- so we're establish -- I'm trying to establish, because this list of 20 is pretty --

MR. DINOWITZ: Well, it's really very simple. Look at the list of places you can't do it and then everything that's not on the list is where you can.

MR. LAWLER: Right, but so far the only place that you've been able to enumerate is in front of my house. So I'm just asking is there any other public location?

MR. DINOWITZ: I really can't think of one other place in the entire State besides in front of your house.

MR. LAWLER: So really nobody is going to be able to actually exercise the concealed carry permit is what you're saying.

MR. DINOWITZ: I -- I think most people are smart enough, especially if they've gone through the training where -- where they will be trained in this area, among others, they will know where they can't carry and, therefore, by process of elimination they will know where they could carry.

MR. LAWLER: Right. But the whole -- the whole point was that under the previous law that was ruled unconstitutional, right, you could get a permit to carry a handgun to protect your family in your home. It was very difficult to get a concealed carry license, right? So what the Supreme Court said is that's unconstitutional because it was arbitrary and people were being discriminated against, your average citizen was being discriminated against in terms of trying to get a concealed carry. The concealed carry is so that you can go beyond your home and protect yourself, right? So what I'm asking you and what you don't seem to be able to answer is based on this enumerated list of 20, what locations in the public outside of the home are people actually going to be allowed to carry a concealed weapon?

MR. DINOWITZ: Well, first of all, I've answered your questions, don't say I haven't been able to answer it. I've said very clearly that any place that's not on this list is where you can carry. That's very straightforward. In addition, what we're doing here is creating a situation where more people presumably would be able to get this concealed carry permit and we're setting up a system that -- that we would expect the Supreme Court would not overrule because it's more objective, it's less subjective. It's less the situation where one person would come to a different conclusion than another and we set out specific criteria to determine whether or not you should be able to get a license. And if you are not granted the license, there's an appeals procedure so that nobody is going to be treated unfairly. It's a very clear and deliberate process to make it as fair as possible, to make it as

objective as possible, and I would say that more people are probably going to be able to get these permits. But if they get the permit, there's still going to be certain limitations on them.

MR. LAWLER: So -- okay. Under the old law, less people were able to get a concealed carry permit.

MR. DINOWITZ: Fewer people were able to get it, that's right.

MR. LAWLER: Right. But they had more ability to carry a firearm in the public as a concealed firearm; however, now what you're suggesting is more people may be able to carry -- get the concealed carry permit, however, there's less locations and ability to actually use it; is that what you're suggesting?

MR. DINOWITZ: I said that it's possible more people will be able to get a permit, but that there will be limitations on them in terms of where they can use it.

MR. LAWLER: So more -- more people can get it, but more limitations on the ability to use it. Got it. Can a municipality --

MR. DINOWITZ: And that's based on the court decision.

MR. LAWLER: Well, the court decision talked about historic, you know, precedence that had been set. This goes well beyond that. Can a municipality increase the number of locations that are going to be labeled as a sensitive place? So in other words, is New York City going to be able to expand the list of sensitive

locations?

MR. DINOWITZ: No. The list is here in the legislation. There's a list, letters A through T, that's 20 I believe, and that's the list. New York City doesn't have any specific authority to add to that list.

MR. LAWLER: Okay. So now if I get a concealed carry permit from Rockland County under -- under these new guidelines, am I going to be able to now carry into New York City as long as it's not into any of these 20 locations? Or are there still laws in effect that would preclude someone with a concealed carry permit from outside the City come -- come into the City with it?

MR. DINOWITZ: This -- this legislation will, if you get a concealed carry permit and are -- and are not among those individuals who are exempted, will not allow you to carry in the -- in the sensitive location zones. Very straightforward.

MR. LAWLER: Within -- right, within an area, but it wouldn't preclude me from coming into New York City with a concealed carry license as long as I adhere to not going into any of the sensitive locations? Is that accurate, or no?

MR. DINOWITZ: There may be reasons you shouldn't be allowed in New York City, but that would not be one of them.

MR. LAWLER: Okay. That -- that was unresponsive, but okay. My colleague from Staten --

MR. DINOWITZ: That was totally responsive.

MR. LAWLER: -- from Staten Island talked to you about statistics. The Governor was asked about statistics the other day, I -- I don't think she could answer them so she didn't really care about the question because she didn't really have anything to actually answer it. But my colleague provided you with statistics and there have been zero people that have been arrested for gun violence in New York City who have a concealed carry permit. You said earlier you agreed that most people who have a concealed carry permit are not a threat, you said some are. So those that are a threat, do you think they will adhere to the sensitive, you know, locations list that has been established in this bill? Do you -- do you think they really care what locations are on that list if they are going to commit a violent act?

MR. DINOWITZ: There's certainly no way for me to know whether somebody is going to do the right thing. I think most people do the right thing. I think most people who have a concealed carry permit would presumably do the right thing. I'm not trying to vilify anybody, there are always some people who don't.

MR. LAWLER: Right, but -- but based on the statistics that my colleague provided you with, zero people have been arrested with a concealed carry permit. So the question is if -- what are we trying to accomplish here? What are we really trying to -- to go after here? If we're -- if we're making it harder for a law-abiding citizen to exercise their Second Amendment rights, what exactly are we accomplishing with respect to gun violence?

MR. DINOWITZ: Well, first let me say that while I'm not suggesting that anybody cited false statistics, I would prefer to get my data from the NYPD or other -- another law enforcement agency than from anybody in this room. So I don't know whether that information is correct or not. I like to make sure that the information that I have, that the data I have is correct which is why when -- when I was questioned during the course of these last few hours, I was careful not to cite absolute statistics. I said sometimes what I think was happening. So I don't know if what you said is true in the first place. Maybe it is. I'm not saying it's not, I'm not saying it is.

MR. LAWLER: Okay. You also, with my previous colleague, you guys engaged in a conversation about more guns equals less safe. I would point out, you know, more illegal guns certainly makes communities less safe which is why it was so baffling that New York City eliminated the anti-crime unit whose primary responsibility is to go after illegal guns and get them off the streets.

MR. DINOWITZ: Well I -- I believe that Mayor Adams has -- I don't want to say restored that unit, but has created a unit to serve in a similar function to get rid of -- of guns.

MR. LAWLER: Yes, right and --

MR. DINOWITZ: And hopefully --

MR. LAWLER: And I --

MR. DINOWITZ: Hopefully we'll see the benefit of that.

MR. LAWLER: Yes. And hopefully they are getting

the support and the resources they need to actually do that. But that was obviously a really illogical policy that was put in place by the previous Mayor if the intention is to get the illegal guns off the street.

Mr. Speaker, on the bill.

ACTING SPEAKER PRETLOW: On the bill.

MR. LAWLER: You know, the -- the challenge here, and I certainly appreciate the need to try and do something about gun violence in -- especially in New York City, but obviously after the horrific shooting and tragedy in Buffalo. But in this instance, you know, the Governor told us this was an emergency, it required us to -- to act. And outrageously, there was no bill when we got here yesterday. And -- and it really leads you to wonder was it purely political to call us back, you know, and announce that you're calling us back four days before a primary election rather than to actually do the work of -- of sitting down and crafting legislation that actually accomplishes something. This bill does not and, in fact, it infringes upon the Constitutional rights of law-abiding citizens in direct violation of the Supreme Court.

ACTING SPEAKER PRETLOW: Mr. Lawler, I hope that Mr. Palmesano can continue your train of thought. Your time has expired.

Mr. Palmesano.

MR. LAWLER: Thank you.

MR. PALMESANO: Yes, thank you, Mr. Speaker.

Sorry, Mr. Lawler.

Mr. Dinowitz -- would the sponsor yield for some questions, please?

ACTING SPEAKER PRETLOW: Will the sponsor yield?

MR. DINOWITZ: Yes, I will.

MR. PALMESANO: Thank you, Mr. Dinowitz. I had a couple of questions I wanted -- as I was listening to the debate I just wanted to clarify, I know it's probably addressed. Relative to the training, I know it's the permit now goes from five to three years, correct?

MR. DINOWITZ: I'm sorry, you're talking fast.

MR. PALMESANO: Yes.

MR. DINOWITZ: Say it again.

MR. PALMESANO: Relative to the permit, whether a new permit or renewal permit is three years versus five years, correct?

MR. DINOWITZ: Yes.

MR. PALMESANO: Okay. And now when someone goes for the renewal of the permit, so someone has their five year now, they go for the renewal of their permit. At that point in time even if they've had their permit for 40 years or six or seven years old, they would to go through a 16-hour training course and two hour live fire range course? Or how does that work for someone who has it and has had that permit for a number -- I know my colleague was talking --

MR. DINOWITZ: It would -- it would be the same for everybody. They would have their permit, they would continue to have their permit. When they have to renew that permit, they have to do what everybody else does.

MR. PALMESANO: So every time you renew the permit, you have to go through the 16 hours of training?

MR. DINOWITZ: Yeah.

MR. PALMESANO: So every three years you're going to have to go through --

MR. DINOWITZ: You know what? That's -- I mean, I go through 12 hours of legal training --

MR. PALMESANO: No, I'm just asking --

MR. DINOWITZ: This is what we do.

MR. PALMESANO: I was just asking the question, so that's every three years, so...

MR. DINOWITZ: And I said yes.

MR. PALMESANO: So like my father-in-law who's had -- owned a -- has a pistol permit, 77 years old, has done it for gun safety every three years now will have to renew that and go through that course then, correct?

MR. DINOWITZ: They have -- they have to go --

MR. PALMESANO: All right.

MR. DINOWITZ: They have to go through the process. You know, rules change from time to time.

MR. PALMESANO: Okay, that's fine. Just --

MR. DINOWITZ: Correct.

MR. PALMESANO: Okay. Relative to land, area that, you know, sensitive places. I know State Parks you're not allowed to carry a firearm, correct?

MR. DINOWITZ: Correct.

MR. PALMESANO: Okay. What about State lands, because, you know, people use State land to hunt. How does it work when, with like if you have a hunting property that abuts the State land, would they be able to go on that State land to hunt, number one?

MR. DINOWITZ: Well, you -- you might have missed it earlier. There is an exemption with respect to hunting.

MR. PALMESANO: Okay. But what about if on that State land if it abuts their property, would they -- if it's -- would they be able to go off their, at any time, with a -- a revolver or a pistol to walk on that land and the State land if there's a trail on that property, would that individual be able to walk along that property on the State land with a firearm?

MR. DINOWITZ: No.

MR. PALMESANO: No.

MR. DINOWITZ: The exemption -- the exception is with respect to hunting.

MR. PALMESANO: Okay.

MR. DINOWITZ: Not walking.

MR. PALMESANO: The only reason I ask is because I know on some State lands, I mean, there's bears and I know

an individual who would carry his revolver with him because he's walking for a hike.

MR. DINOWITZ: We had a bear discussion earlier on.

MR. PALMESANO: Yeah I know that, too.

MR. DINOWITZ: Lions and tigers and bears and --

MR. PALMESANO: Yes, I understand that, too.

Relative to the other part, it came up in a question about shooting sports that kind of caught my attention. I know -- I think the one page, on page 9 where it talked about sporting events. And we were talking about -- and I know this came up and I wanted clarification on this because there are -- there are high school trap teams allowed to roam where kids participate in these shooting sports and skeet. They go to these sporting clubs. Based on the language of this bill, would they be able to go up and use their firearm at a sporting club, because it says that they wouldn't be able to use it at a sporting event.

MR. DINOWITZ: Before I even answer that, this bill deals with concealed carry permits, but -- and when you.

MR. PALMESANO: Well, it says they can't -- there are sensitive areas you can carry a firearm.

MR. DINOWITZ: When we deal with concealed carry permits, we have a list of sensitive locations, there are exemptions of certain people, there's a hunting exemption and I think that that may be similar to a question that Ms. Walsh --

MR. PALMESANO: Right. That's what I was just

trying to -- so they -- they would be able to go there and -- where it's a sporting club where they do shooting sports and use trap and skeet, these individuals, these kids will be able to go out there and use the firearms at that sporting event, that sports club, correct?

MR. DINOWITZ: I'm -- I'm told they can do it at a shooting range.

MR. PALMESANO: It's not a shooting range, it's a -- they trap and skeet, it's an actual sport and this says sporting events.

MR. DINOWITZ: I don't know that that -- they -- I don't know if that would be allowed.

MR. PALMESANO: So you're saying an actual sport where they shoot, these high school kids, there's a number of them across the State, these kids go, they shoot, they go to these shooting clubs and they -- they participate in shooting sports. Now based on this language where it says shooting, sports areas, they would not be able to go up there and participate in this shooting sport anymore? So base -- basically as how I understand it from you, you would shut down high school shooting sports in the State of New York with this legislation, the way this language reads; is that correct?

(Pause)

MR. DINOWITZ: Yeah, the -- the focus when we're talking about these kind of events, we're talking about entertainment events, events that attract tourists, for example. I don't know that what you just described is such an event.

MR. PALMESANO: I think I was just -- or I'm

reading the language where it talked about sports -- sport, like sports. So you're not sure if that clarifies it, where it says sporting events, that's, I think in that language where it says sporting events, and trap shooting is a sporting event, where in trap shooting they use a firearm to shoot guns, but the language of this bill says that's a sensitive spot. I'm just trying to get clarification for this. I'd like more of a definitive answer because based on this language, at least I read it or could be interpreted by some, that now these high school trap teams and others who participate in this sport, because you have shooting clubs that have trap and skeet, I means sports shooting is an Olympic sport. Based on the language of this bill, I'm just concerned that it might not be qualified and you --

MR. DINOWITZ: Well let's see. I'm -- I'm just going to read this aloud: "Any place used in the performance, art, entertainment, gaming or sporting events such as theaters, stadiums, racetracks, museums, amusement parks, performance venues, concerts, exhibits, conference centers, banquet halls, and gaming facilities and video lottery terminal facilities as licensed by the Gaming Commission." So you're talking about a high school --

MR. PALMESANO: Trap shooting. They have trap tournaments, they have a State trap tournament for kids, high school kids. And this says sporting events. Would that be stopped by the language of this law because it is a sport. I mean, just last weekend we had hundreds of high school kids and teams.

MR. DINOWITZ: I would have to get some

clarification on that to be certain.

MR. PALMESANO: That would be good --

MR. DINOWITZ: I don't want to give you misinformation, but...

MR. PALMESANO: -- because this could be very detrimental and I think that's kind of the problem when you rush legislation like this and you don't get it vetted and ask people. I do want to ask another question relative to these sensitive spots, sensitive areas. When we talked about it, I know it came up earlier about shooting clubs. A lot of them might have at least now might have a -- a bar where they would serve. So now under this law, they would not be able to serve alcohol or where they would not be able to have a liquor -- liquor license at that facility, because sometimes they'll gather there for social events but then they do the shooting activities at different times. Based on this law, these shooting clubs would not be able to have -- be able to bring guns and firearms to the club to shoot if there's -- if -- if they serve alcohol; is that correct?

MR. DINOWITZ: Your concern is making sure that people who are shooting guns could also drink liquor?

MR. PALMESANO: No, you're not listening to what I'm asking.

MR. DINOWITZ: I -- I can hardly --

MR. PALMESANO: I'm just trying to get clarification so these -- I'm just trying to get clarification. Some of these shooting clubs, it's a -- it's a private club, people are members of

these clubs, they pay a fee and it helps take care of the property. Some of them have bars and sometimes they have social events, sometimes they don't, but then they do shooting. So based on the language that we're seeing here now is a sensitive area, these shooting clubs would no longer be able to have a -- a liquor license or a beer license, or they would not -- obviously they're not going to be serving alcohol while they're shooting. I mean, these -- these shooting clubs are very, very responsible and safety is their paramount act -- act. I just want to know if these clubs that might have a bar at their facility, would they not be able to come there if they have a bar, with their firearms?

MR. DINOWITZ: I -- I think that may be a problem, but I want to clarify because I said I would try to clarify.

MR. PALMESANO: Yeah, that would be good one to get clarification on, too.

MR. DINOWITZ: On the previous question, they can't shoot on school property currently. So if they're off site, it's fine. So if the school shooting thing is not on the school property, then nothing changes.

MR. PALMESANO: So I guess I -- and so you're talking it's only a school property? Because this -- this says any place and it goes down and says -- it doesn't say school property, it says sporting events, that's where I think the --

MR. DINOWITZ: That -- that's my response.

MR. PALMESANO: All right. So I think we need to

get clarification on that. And so on -- on.

MR. DINOWITZ: That was the clarification.

MR. PALMESANO: Okay. Yes, that would be nice because, again, there are -- just so you know, there are hundreds of trap teams, high school kids participate, it's a growing sport. They go to these activities, they go to these clubs and they shoot and they compete. And they had a Statewide tournament last week so that's -- that's why I think we need clarification because this could possibly detriment that and I just want to ask -- an answer on that. And then you are saying, again, on these -- you're going to get back on the issue of these sporting clubs, these trap clubs that are private memberships, they might have alcohol, they might serve alcohol at different times as a private membership, now they won't be able to serve alcohol at all or is it just when they have, you know, shooting activities?

MR. DINOWITZ: The legislation says that if these the establishment serves alcohol then they -- it wouldn't be permitted.

MR. PALMESANO: So...

MR. DINOWITZ: Except for the people in the exempted categories.

MR. PALMESANO: So they -- they would not be able to have a -- an alcohol license, or they just not -- not have alcohol while they're there shooting?

MR. DINOWITZ: Well, this doesn't address whether they can have an alcohol license, this addresses whether a person with a concealed carry permit can go on one of these exempted --

MR. PALMESANO: Okay.

MR. DINOWITZ: -- locations --

MR. PALMESANO: Okay. All right.

MR. DINOWITZ: -- with their gun, in one of the sensitive locations.

MR. PALMESANO: All right. Thank you, Mr. Dinowitz, for your time.

MR. DINOWITZ: You're welcome.

MR. PALMESANO: Mr. Speaker, on the bill.

ACTING SPEAKER PRETLOW: On the bill.

MR. PALMESANO: I have to tell you, I think this is a pretty ridiculous piece of legislation. I think if my colleagues on the other side of the aisle would spend time and attention addressing criminals, we know that we have a -- and those that are committing crimes on a regular basis. We saw earlier where the demonstration by my colleague saying that there's over 20 -- 2,300 shooting incidences, but people with guns were zero of those 2,300 had a concealed carry permit and that the crimes and sentencings for those individuals with illegal firearms was like five months. We know the bail -- the failed bail reform laws is not working where you see that constant catch and release, people committing a crime, being released back in the street. The shooting incidents are rising dramatically in New York State from 2019 to '21, shooting incidents up over -- up over 100 percent in New York City. In Rochester, New York they're up over 144 percent. The Raise the Age, there have been problems with that and with repeat

offenders and dangerous -- individuals with having dangerous crimes not being prosecuted and being ignored, while it seems this legislation is really focused on the Constitutional rights of law-abiding citizens. The Supreme Court ruled that this was a Constitutional violation and that's why they acted the way they did. And then this legislation tries to come -- come back around and basically they're putting in place a law that's actually more stringent than what was in place, some would argue than what was in place before. Areas that you could carry a firearm with you, a gun or pistol with you, now you will not be able to carry because of the -- the changes that have been made here.

I think, again, it just doesn't really make sense to me. This is not going to make our communities any safer, but what it will do is it's going to make it more difficult for law-abiding citizens to protect themselves. So if they're walking in certain areas, why an individual walking in the -- in the State forest, State land, forests, hundreds and thousands of acres can't have a firearm with them to protect themselves because there's wildlife, bears and things of that nature. That's another area and just the things this -- this legislation is so broad, so far-reaching. It's certainly a violation of the Constitution. I would think that this is something that's going to get challenged immediately and hopefully it does, it gets tossed right away because is I think just an act of political posturing by the Majority. This is not going to do anything to make the crime that's going on in our State lower.

Again, if you seen it, this Majority could have taken

actions on the -- the -- the dangerous boundaries by allowing judges to take into consideration the dangerousness of an individual before releasing them, and we've seen that these individuals continue, who get released, they're arrested on a felony. Some 40 percent of them are -- are being rearrested while waiting, going to court on one of the other cases in New York State. In New York City, that repeat offense rate is 45 percent. We have similar numbers when we talk about Raise the Age and dangerous individuals, 16- and 17-year-olds using firearms, some who were arrested for murder, attempted homicide, and not being prosecuted and not getting to address the seriousness of some of these individuals.

I just think this legislation is going in the wrong way. You know, from a political perspective, not going to address the dangerous crime that's going in our streets. I think that they, you know, my -- my colleagues on the other side of the aisle want to use this as a distraction, think it's going to distract from the rising violence we've seen going on around the cities. People do not feel safe. Every time you turn around and read a newspaper or see on the news, people are getting shot whether it's the subway, on the streets. These are individuals who aren't going to get a pistol permit, most of them. These are individuals who are stealing, stealing ammunition, they're not going to the gun store, most of them are not -- they're not going to the gun store to purchase their ammunition. There might be some, but we know what's happening on the streets and I think the Majority is running -- can't run from the record. And so in every --

ACTING SPEAKER PRETLOW: Thank you, Mr. Palmesano --

MR. PALMESANO: I will be voting in the negative.

ACTING SPEAKER PRETLOW: -- and with your comments, the window of four hours on this bill has closed.

Read the last section.

THE CLERK: This act shall take effect September 1st.

ACTING SPEAKER PRETLOW: The Clerk will record the vote on Senate Bill 51001. This is a Party vote. Any member who wishes to vote in the -- with -- as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. The Republican Conference is generally opposed to this legislation for the reasons mentioned by my colleagues. Those who wish to vote in favor can certainly do so here on the floor of the Assembly or by contacting the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER PRETLOW: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. The Majority colleagues are generally going to be in favor of the piece of legislation; however, there may be some who would desire to be an exception. They should feel free to cast their vote here

in the Chambers and/or call the Majority Leader's Office and we'll make sure their vote is properly recorded. Thank you, sir.

(The Clerk recorded the vote.)

ACTING SPEAKER PRETLOW: Mr. Hawley on Zoom to explain his vote.

MR. HAWLEY: Yes, thank you, Mr. Speaker. As legislators, it's our duty to respect the liberties and the limits of government overreach established by our founders within the Constitution. While I assume the intent of this bill sponsors are in the right place proposing this legislation, the Second Amendment of our Constitution is abundantly clear. All Americans, including New Yorkers, all 20 million of us, 41 percent in New York City, 59 percent in the rest of the State, have a right to both keep and bear arms, and those rights shall not be infringed upon.

Though this bill was drafted with a stated intention of making our laws more Constitutional, it will actually only weaken the practical ability of our residents to defend themselves as this Supreme Court case established is a right. We wouldn't say a society has free speech if people could only speak openly within certain designated spaces. And it would be unthinkable for us to ban people from praying unless there was a sign specifically displayed permitting them to do so. To treat rights contained within our Second Amendment with any less respect than those in the other 26 in our Constitution would be a dereliction of the oath of office we all took to defend it.

This legislation is wrong, and it's probably

unconstitutional and is clearly election year grandstanding. It is because of that reason and so many more as I cannot support this legislation and I encourage everyone in this Chamber and on Zoom --

ACTING SPEAKER PRETLOW: Mr. Hawley, how do you vote?

MR. HAWLEY: -- to join me in saying no to SAFE Act 2. I vote no.

ACTING SPEAKER PRETLOW: Mr. Hawley votes in the negative.

Mr. Ra explain to his vote.

MR. RA: Thank you, Mr. Speaker. You know, we got this bill a little before 11:00 o'clock today which is an hour short of 24 hours after the proclamation that was issued last Friday calling the special Session. And I'm always reminded of the saying that the more things change, the more they remain the same. We do this time after time after time.

And I was thinking about that about almost to the day actually 27 months ago we passed a resolution here to change our procedures to deal with the COVID pandemic that had come upon us. And one of the things we talked about was how important it was that we had to protect everybody here, we had to protect the staff so they wouldn't be on the -- on the floor for too long and be exposed; yet, here we are over two years later, we're back to the last week of Session going late into the night a number of nights in a row then -- then going straight through overnight, sending people off on no sleep

to drive home, which I think is pretty darn dangerous. Again, what we did yesterday, people here late into the night. Where's the care for the safety of the staff now that -- that we've have come through this time?

So we need to -- these are important issues, they deserve to be debated, but our constituents deserve the opportunity to read these bill and communicate with us, and a lot of the things that we asked for clarification about, we might have been able to have conversations with those types of entities, whether they were people that were involved in these sports that my colleague were talking at the high school level, or -- or local clubs and those types of things so that we have what actually would be a more workable law.

So unfortunately, we're here doing the same thing again, two really important issues that have been rushed. I'm glad it's in the light of day, but certainly these issues and these bills have not received the transparency they deserve. And I just want to just say to everybody, at some point can we stop saying this is the way it's done so we just have to keep doing it this way? Let's be better. I vote no.

ACTING SPEAKER PRETLOW: Mr. Ra in the negative.

Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker. Last week, the Supreme Court invalidated New York's 108 year law requiring that those who are seeking to carry a handgun concealed needed to show proper cause. That law was enacted before World War I and was working just fine. Other than grousing, there had been no major

complaints of the loss of Second Amendment rights, a right that was to a well-regulated militia to bear arms until the likelihood of a six judge conservative majority on the Supreme Court would come to pass. And this court's ruling essentially said proper cause, we don't know what that means. But in doing so, it laid out a road map for how New York can protect its people within the confines of this decision. After all, New York government has a compelling State interest in protecting its people. That is our duty, that is what the people of New York expect from those that they elect to serve.

So today we pass a comprehensive bill that addresses the Court's decision by enacting specific criteria for what would constitute such cause and specific requirements for meeting those criteria. It strengthens our background check system and implements an ammunition database that has been sitting there un -- unimplemented for several years and will now become a part of the web of protections that New Yorkers can rely on. Our legislation further identifies what would constitute a sensitive space, something the Court acknowledged was important for the State to protect the general welfare of its people. I'm pleased to see that so many of those sensitive spaces were laid out in previous legislation. And we further mandate training in the use of firearms so that the public can have confidence that these who do have a permit for carry concealed will know how to care for and use their handgun safely. These --

ACTING SPEAKER PRETLOW: Ms. Simon, how do you vote?

MS. SIMON: I will be voting in the affirmative.

Thank you.

ACTING SPEAKER PRETLOW: Ms. Simon in the affirmative.

Mr. Tannousis.

MR. TANNOUSIS: Thank you.

MS. SIMON: I don't --

MR. TANNOUSIS: Oh, I'm sorry.

Thank you, Mr. Speaker. Mr. Speaker, in my time as a prosecutor, I prosecuted a numerous amount of gun-related crimes, gun possession, shootings, homicides involving firearms, and I never, ever came across a defendant that was either legally registered a firearm, applied for one and received one, or was a concealed carry permit holder. It was always a gun from out-of-state, stolen from some state down South with scratched serial numbers and somehow found and made its way to New York. Okay. And, by the way, neither did my colleagues.

The increase in crime here in New York can only be addressed effectively one way, and that is by holding violent criminals accountable for their actions. That is the way to ensure that we have public safety in our streets. And the sooner we do that in this Body, the better. Mr. Speaker, many of my colleagues today made some great points as to why this law -- this law is flawed and is not valid, especially on Constitutionality grounds; however, one aspect that concerns me is the fact that the new requirements will now cost a few

thousand dollars. So someone now applying for a concealed carry permit will have to spend a few thousand dollars in order to do so.

So what does that mean? That means that people who have the resources and the income, and that may live in affluent communities will now be able to apply for this, but the individual that does not have that income and that source, and perhaps may live in a neighborhood that does not have the adequate safety now cannot apply for this permit, cannot avail himself of his Second Amendment rights. For that reason, for all the reasons stated by my colleagues today, I vote in the negative. Thank you.

ACTING SPEAKER PRETLOW: Mr. Tannousis in the negative.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. There was a mass shooting in Boston. People were pretty ticked off about taxation without representation. There was a murder by a government agent who got a royal pardon murdering an eleven-year-old boy. Federal troops occupied the City of Boston, people assembled even though they didn't have the right under the government at the time to assemble. There was no right to petition or to redress your grievances, there was no right to bear arms. And on March 5th, 1770, government troops fired on protesters killing five Americans, Samuel Gray, Samuel Maverick, James Caldwell, Patrick Carr, Crispus Attucks, who was a freed slave.

Government should not be the only ones who have

guns. The power needs to rest with the people. Happy Independence Day to you, Speaker, and to all the free Americans. Please cast your vote for liberty over tyranny, uphold the Constitution and your oath to uphold the Constitution. Join me and vote no on this unconstitutional bill.

ACTING SPEAKER PRETLOW: Mr. Walczyk in the negative.

Mr. Gandolfo.

MR. GANDOLFO: Thank you, Mr. Speaker. So the bill before us here is in response to the Bruen decision which ruled as long as a New Yorker or an American can pass the concealed carry permit process, pass the background checks, they have a right under the Second Amendment to carry a firearm for ordinary self-defense. Now, no data has been presented that shows concealed carry permit holders are drivers of gun violence, the Governor has admitted that she has no data. The sponsor today had no numbers showing that this -- this was a problem; yet, here we are placing new restrictions on concealed carry permit holders that were never there before.

So why are we doing it exactly? It's an obvious attempt to nullify the Bruen decision by making it next to impossible for an ordinary citizen to comply with these restricted zones and some of the other requirements. It's really just a slap in the face to the Supreme Court and on a history bent from my colleague over there, John C. Calhoun would blush at this attempt of nullification. So I vote in the negative, Mr. Speaker. Thank you.

ACTING SPEAKER PRETLOW: Mr. Gandolfo in the negative.

Mr. Lawler on Zoom.

MR. LAWLER: Thank you, Mr. Speaker. The Supreme Court ruled that New York's law was unconstitutional. It reverted it back to the lower court for action. Rather than allowing those proceedings to take place, the Governor and the Majority here are seeking to pass legislation that is purely political, that will do nothing to address anything pertaining to gun violence in our cities or across the State and, in fact, will trample further on people's Constitutional rights.

The -- the bill sponsor acknowledged that, well, if more people are going to be able to get a concealed carry, we're going to make it more restrictive as to where you can actually go. He couldn't even name a single location other than your home which, by the way, if you had a permit you are already allowed to possess a gun in your home. But he couldn't name another location other than your home that would qualify outside of the list of 20 locations in which you could not possess a firearm with a concealed carry license.

This law is going to be thrown out in court and it's just another indication of the failure of one-party rule, and the failure of -- of this Majority, which has been ruled unconstitutional numerous times this year, including with redistricting because they just total -- have total disdain and disregard for the people of the State of New York. One thing is clear: Albany is a dysfunctional cesspool of

corruption and this town needs an enema come November. I vote no.

ACTING SPEAKER PRETLOW: Mr. Goodell to explain your vote.

MR. GOODELL: Thank you, Mr. Speaker. I -- I rise to explain my vote and I might actually touch on something that hasn't been touched in the four hours of debate that preceded this. Under current law, that was struck down, but under current law you could get a concealed permit, concealed carry permit if you could demonstrate special circumstances resulting in a serious risk to yourself. So for example, you would have to show that perhaps you're in an abusive relationship, domestic violence situation. Maybe you were the victim of stalking, maybe there were personal threats made against you. And faced with that demonstratable personal threat you could get a concealed carry permit. And once you got that concealed carry permit because of those demonstratable threats, you could use -- carry your gun on the subway, through a dangerous neighborhood, to work, to and from your apartment. And this bill says that even though you have demonstrated a personal safety issue, you no longer, under this bill, could carry a gun to protect yourself on the subway or to work or in your own apartment if it was a multidwelling unit.

That's outrageous. And why? Because we're -- we're told that we have to deal with the problem of licensed permit holders, people with a pistol permit. Well, according to the national data they account for about 54 murders nationwide, less than 1 percent. To put that in perspective, there are 751 bicycle deaths every year. You're 14

times more likely to die in a bicycle accident than to die with somebody with a pistol permit. But nothing in the last two days focuses on the other 99 percent of the people who are killing everyone on our streets. Nothing deals with bail reform or incarceration or our prison system or mental health. Nothing. We're focusing entirely on less than 1 percent who don't constitute the crime and that's why I cannot support it. Thank you, Mr. Speaker.

ACTING SPEAKER PRETLOW: Thank you, Mr. Goodell.

Ms. Rosenthal to explain your vote.

MS. ROSENTHAL: Thank you, Mr. Speaker, to explain my vote. The decision issued by the Supreme Court of the U.S. last week striking down a century old New York State law that kept New Yorkers safe from some senseless gun violence was an incredibly irresponsible and dangerous decision.

To recap what the Supreme Court has affirmed over the last couple of weeks: They're in favor of a country with easier access to more guns; where forced pregnancies are commonplace because they have ruled a person no longer has the right to make decisions over their own body; where prayer is conducted wherever one would like; where the devastating effects of climate change are accelerated, because even the Federal government doesn't have the authority to impose regulations to protect our environment.

Upending decades of legal precedent to appease a political party is not making anyone safer, it's doing the opposite.

When New York State implemented restrictions on the concealed carry of weapons more than a hundred years ago, it was in recognition of the fact that allowing anyone who feels like it to carry a gun in public would be inherently dangerous. If we were not back here today passing new legislation, we'd soon see people walking through Times Square with dangerous firearms on them. They could be legally carried into crowded bars and restaurants, polling places and government buildings, hospitals, on public transportation, and in the parks and playgrounds where children gather. New Yorkers should not have to duck and cover while simply shopping for tonight's dinner, having a drink with friends, or traveling to work.

If this activist Supreme Court had its way, there's no telling the uptick in gun violence this decision could have brought, but New York State will not settle for having its residents be in places of danger and, therefore, we are passing this most common sense regulation, passing it into law so that we can feel safe walking in Times Square, walking around our neighborhoods, traveling on our subways. And so I vote in the affirmative. Thank you.

ACTING SPEAKER PRETLOW: Mrs. Peoples-Stokes with exceptions.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you would please record our colleagues Mrs. Gunther, Mr. Conrad, Ms. Hunter, and Ms. Buttenschon in the negative on this one.

ACTING SPEAKER PRETLOW: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 3, Rules Report No. 2, the Clerk will read the title of the Concurrent Resolution.

THE CLERK: Committee on Rules, Ms. Seawright. Concurrent Resolution of the Senate and the Assembly proposing an amendment to Section 11 of Article I of the Constitution.

ACTING SPEAKER PRETLOW: On a motion by Ms. Seawright, the Senate bill is before the House. The Senate bill is advanced. Governor's Message is at the desk, the Clerk will read.

THE CLERK: I hereby certify to an immediate vote, Kathy Hochul, Governor.

ACTING SPEAKER PRETLOW: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER PRETLOW: Ms. Seawright, will you yield?

MS. SEAWRIGHT: Yes.

MR. GOODELL: Thank you very much, Ms. Seawright. I see that this is a Constitutional amendment that would prohibit any discrimination against anyone based on, among other things, sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcome, reproductive health care and autonomy; is that correct?

MS. SEAWRIGHT: Yes.

MR. GOODELL: And one of the things that would now be covered by this Constitutional language obviously was gender orientation -- or sexual orientation and gender identity. Would this legislation, this proposed Constitutional amendment, if passed, prohibit New York State from following the lead of many other states by limiting women's sports to only people that are biologically born as a woman?

MS. SEAWRIGHT: This follows Human Rights Law in New York State and its definition.

MR. GOODELL: But as -- as you know, many states have recognized that people who are born with a male gene have physical advantages, and certainly in sports in many areas, not always, but in many areas, and have limited women's sports to only those with genetic disposition of a woman. Would this Constitutional amendment make that protection for women athletes unconstitutional in New York?

MS. SEAWRIGHT: No.

MR. GOODELL: As you know, we have many, many laws and rules designed specifically to help women or to protect them. For example, you have the Girl Scouts, you have, as you mentioned, women's sports. Oftentimes they'll have the one-sex housing. We have in New York State some fine women colleges. Sometimes you'll have a sorority, which is just limited to women. Would this Constitutional language that prohibits any discrimination based on sexual orientation or gender identity or gender expression

mean that those all-women functions would now become unconstitutional?

MS. SEAWRIGHT: No.

MR. GOODELL: And why is it that we would allow a single-sex activities, whether it's just for men or just for women, how could that conceivably be consistent with this language which prohibits discrimination based on sexual orientation, gender or identity?

MS. SEAWRIGHT: So it -- it follows the New York State Human Rights Law.

MR. GOODELL: So are you saying right now the Human Rights Law already covers everything that's covered by this language?

MS. SEAWRIGHT: Yes.

MR. GOODELL: So then why do we need this language?

MS. SEAWRIGHT: Because discrimination currently exists and we need to enshrine it in the Constitution.

MR. GOODELL: Well, if it's already prohibited in the Human Rights Law and the Human Rights Law already covers all these areas, as you mentioned, can't we and shouldn't we focus on enforcing the existing law?

MS. SEAWRIGHT: We should embed it in the Constitution because New York State law can always change.

MR. GOODELL: Now, this Constitutional language

also talks specifically about pregnancy, pregnancy outcomes, reproductive health care and autonomy, correct?

MS. SEAWRIGHT: Correct.

MR. GOODELL: Now, as you know, the Catholic Church has always been very clearly opposed to abortion. Would this Constitutional language that's being proposed prohibit the Catholic Church from discriminating against somebody based on their desire to have an abortion or seek an abortion in a Catholic hospital, or otherwise pursue abortion?

MS. SEAWRIGHT: No.

MR. GOODELL: So as you know, we have dealt with a number of other statutory provisions in the Insurance Law, for example, and Section 10-B of the Domestic Relations Law and other areas where we talked about the obligation of employers to provide abortion coverage in insurance, for example, or contraceptive coverage, and we have always had a religious exception. And we did that to comply with the U.S. as well as the New York State Constitution. Is this language that's being proposed here have any religious exception that would protect the Catholic Church, or perhaps Orthodox Jewish individuals or any other religious organizations from being forced to do things that are inconsistent with its religion?

MS. SEAWRIGHT: So we're not changing any of those laws; it would be a matter of litigation.

MR. GOODELL: So your intent is that if we pass this Constitutional amendment, it will then open it up for more

litigation over whether or not the Catholic Church is in any way discriminating against somebody based on their reproductive health care? I mean, the Catholic Church is pretty clear, right, they're opposed to abortion, there's no doubt about that. So are we going to make it a Constitutional right for an employee --

ACTING SPEAKER PRETLOW: Excuse me, Mr. Goodell. Can the people in the corner please keep the noise down? We're trying to debate a very important bill here. Thank you.

MR. GOODELL: Thank you, Mr. Speaker. So doesn't this very clearly say that the -- that a religious organization cannot discriminate against somebody based on the reproductive health care decisions of their employees, for example?

MS. SEAWRIGHT: This amendment makes plain that New York discriminates against no one based on who they are, what they believe or who they love. Race, sexual orientation, disability, national origin, all enjoy freedom from discrimination.

MR. GOODELL: Well, I actually strongly oppose discrimination, but I find it interesting that when it --

ACTING SPEAKER PRETLOW: I have asked you in the corner to keep the noise down. I know some people have less interest in this House and we're going other places, but this is not the time to interrupt this very extremely, important debate.

Go on, Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker, and to the sponsor. I also oppose discrimination and I think everyone ought

to be treated equally regardless of their sex or color or race, creed, religion, national origin, sexual orientation or sexual preference. I'm actually on board. But how do you then explain the fact that if you're of a certain sex or sexual orientation, you can submit a bid that's ten percent higher than anyone else of the opposite sex and you're entitled, not entitled, mandated to receive the bid even though you're seeking a higher bid. How do you justify that level of discrimination compared to this language? Would that type of discrimination also be barred?

MS. SEAWRIGHT: It's not relevant to this Constitutional amendment.

MR. GOODELL: But I thought this Constitutional amendment would bar any discrimination based on sex, sexual orientation, gender identity and gender expression, right? I mean, that's what it says, we're going to bar that type of discrimination, correct?

MS. SEAWRIGHT: "Nothing in this section shall invalidate or prevent the adoption of any law, regulation, program or practice that is designed to prevent or dismantle discrimination on the basis of a characteristic listed in this section, nor shall any characteristic listed in this section be interpreted to interfere with, limit or deny the Civil Rights of any person based upon any other characteristic identified in this section."

MR. GOODELL: So am I reading this language, which is a little bit confusing to me, about nothing will prevent the

dismantlement of discrimination. Does that mean that this Constitutional language is intended to authorize discrimination if it's in response to prior discrimination? In other words, some discrimination is good, some discrimination is bad, and that's what we're incorporating into this Constitutional language; is that the purpose of that language?

MS. SEAWRIGHT: The language speaks for itself.

MR. GOODELL: And what is your intent?

MS. SEAWRIGHT: To prevent discrimination.

MR. GOODELL: Oh, I love that. So talk to me and tell me how is it that the MWBE program, which gives a 30 to 35 percent preference to just women, not men, or just minorities, not majorities. Tell me how it is that the MWBE program is not discriminatory against everybody else in the world.

MS. SEAWRIGHT: The language is exactly protecting that.

MR. GOODELL: So that type of discrimination is okay under this language? That's the question.

MS. SEAWRIGHT: I have already answered the question.

MR. GOODELL: Okay. Thank you very much, I appreciate your comments.

On the bill, sir.

ACTING SPEAKER PRETLOW: On the bill.

MR. GOODELL: Well, it's clear that our society

discriminates all the time against everybody and everybody else based on various classifications that we've come to accept, not only accept but endorse. So we have sports teams that are just for women and we applaud that. I have three daughters, I love the fact they played sports and that they had their own sports teams. But we know that there are people who are born as men who have the male chromosomes who want to play in women's sports, and it's fundamentally unfair. And many states across our nation are recognizing that unfairness and adopting laws to protect women who want to compete on a fair and level basis.

But this language would say no you can't do that, you can't discriminate based on gender identity or gender expression. And we recognize, we have always recognized that some religions have very, very strong and, in their view, certainly legitimate reasons to oppose abortion. Catholic Church won't do abortions. Their insurance won't cover abortions. Their hospitals won't do abortions. But this language purports to require them to do so because it says you cannot discriminate against anyone based on their reproductive health care and autonomy.

So if this language goes into effect as a Constitutional amendment, presumably it would be unconstitutional for the Catholic Church to fire someone who is violating their basic tenets on reproductive health. We recognize that it's a good thing, not a bad thing, a good thing that we sometimes have a sorority, I think that's what they're called, or a fraternity, for young people to grow up with

friends that are the same identity. We recognize it's a good thing to have an all-women's college that does not admit men, or housing that's just for women. We recognize that sometimes that's good. This says discrimination of any kind based on sexual identity or gender expression would be unconstitutional. Yeah, what about the MWBE program? What about the ten to 15 percent bonus we give you if you happen to qualify based on your sexual identity? Are we eliminating that? The sponsor says maybe not, although all discrimination is bad, but not all discrimination, only discrimination that doesn't help my gender identity.

Hey, look, it's either good or it's bad. I think it's bad, although I have even acknowledged that there are some situations where it's probably good like all women's sports or all men's sports, or maybe all women colleges or maybe all men colleges. I mean, we recognize that. And then to top it off, and I agree with the sponsor on this, the sponsor says we don't need this language because it's already covered by law. But here's the difference, the law can be fine-tuned, right? We do it all the time, don't we? We start out every year with 20 or 30 Chapter Amendments fine-tuning what we did the previous year. And that's good, because we want to have that flexibility.

So we have in front of us proposed Constitutional language that's unnecessary, that creates a lot of controversy with sincerely held religious views, does not include any language that reflects those exemptions that we have included in statute, whether it's in the Domestic Relations Law or in the Insurance Law or elsewhere.

It purports on one hand to eliminate discrimination while we're told on the other hand, no, it doesn't really. And we know it's not necessary. For those reasons, I really just can't support it and I don't recommend it to my colleagues. Thank you.

ACTING SPEAKER PRETLOW: The question is does this House concur with the Senate?

The Clerk will record the vote on Concurrent Resolution No. S51002. This is a Party vote. Any member who wishes to be recorded as an exception to the Conference position is reminded to contact the Majority or Minority Leader at the numbers previously provided.

Mr. Goodell.

MR. GOODELL: So when it comes to voting it's nice and quiet in here. Thank you, Mr. Speaker. The Republican Conference is generally opposed to this proposed language. Those who support it are certainly encouraged to vote in favor here on the floor or by contacting the Minority Leader's Office. Thank you, sir.

ACTING SPEAKER PRETLOW: Thank you.

Ms. Weinstein.

MS. WEINSTEIN: The Majority Conference will be supporting this measure. Anyone who wants to vote in contrary to the Majority position can contact the Majority Leader's Office.

ACTING SPEAKER PRETLOW: Thank you.

(The Clerk recorded the vote.)

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Mr. Speaker, to explain my vote. We are here tonight to deal with a couple of measures, and this one demonstrates that we will stand up and say that the women of the State of New York, contrary to what has been stated, absolutely need to know that their right to make their own health care decisions will be enshrined in our Constitution. If the current Supreme Court would have their way, rights would be ascribed to guns rather -- in greater amount than to women, and I do not believe that the people of the State of New York, or really anybody in the country, should have to live according to the religious tenets of another religion, one to which they do not subscribe.

The result is that when abortion is illegal, women die. And the other party has done precious little to support child care, child tax credits, or other measures that would make it more possible for people to make better choices if that's what they wanted to do. But many people who have children cannot afford any more children and it's their right to decide how to raise their kids and how to live without the interference of the government or the interference of somebody else's religion. I withdraw my request and happily vote in the affirmative.

ACTING SPEAKER PRETLOW: Ms. Glick in the affirmative.

Ms. González-Rojas.

MS. GONZÁLEZ-ROJAS: Mr. Speaker, to explain my vote. I want to thank the Speaker, the staff, and the bill sponsor

for the decisive action that is being taken today. With the fall of Roe in the United States, corporations and guns have more rights than women and people who can get pregnant in this country. Given the conservative bent of the Supreme Court, the far right's desire to oppress vulnerable communities, it is crucial that we do all that we can to protect New Yorkers, because the reality is that they're coming for all of us. To quote Angela Davis, *If they come for me in the morning, they will come for you in the night.*

Today, New York State is taking the first step in bold and urgent action to ensure that equal protection of women and people who can become pregnant, given the erosion of our rights across the country. This equality amendment, though not the stronger version that it was previously, is important for us to more broadly protect gender identity, gender expression, LGBTQ communities, communities of color, immigrants, people who can give birth, people with disabilities and more. We need to give the courts the ability to objectively find that disparate impact has occurred as it relates to discrimination.

So today is important. We must further codify our rights if we are to protect the residents from even ourselves. My next message is directly to the people: Elections and politics alone are not going to save us. When this comes before the public as a ballot measure, the far right will organize and it will be important for you all, for us, to organize stronger than ever. Take to the streets, because whether it is city hall, whether it's Albany or whether it's Washington,

D.C., it is time that the government knows loud and clear that they must get their bans off our bodies. So I proudly vote in the affirmative. Thank you very much.

ACTING SPEAKER PRETLOW: Ms.

González-Rojas in the affirmative.

Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker. I rise to explain my vote. This equality amendment serves to protect the many, many people in this State who have not had equal rights in New York State. This also protects a woman's right to reproductive health in all aspects of reproductive health. Given what has happened and the most recent Supreme Court decision that really codified one religion's beliefs, it is clear that New York State needs to be there for the women, for the people with disabilities, for the LGBTQ community, to ensure that in New York everyone will be equal under law. That is why this amendment is so critical, and that is why I will be voting in the affirmative. Thank you.

ACTING SPEAKER PRETLOW: Thank you. Ms.

Simon in the affirmative.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. I expect that this will be my last vote as a member of this Committee. I'm broken up that I'm able to cast that vote on what I think is one of the most important things we can do for people with disabilities, which is to add an anti-discrimination clause to our Constitution.

I would like to thank all of the people I have worked with, all of the people who have been so great to work with from both political parties. And I want to thank the staff, the members of the People with Disabilities Committee, all of the people with disabilities and all of the citizens who came out to work so hard to make some historic changes over the last year-and-a-half. We turned around the direction of the State from a policy of ignoring people with disabilities and cutting services to making people with disabilities a priority. I want to thank everyone.

ACTING SPEAKER PRETLOW: Thank you, Mr. Abinanti.

(Applause)

Mr. Abinanti in the affirmative.

Ms. Walsh.

MS. WALSH: Thank you very much, Mr. Speaker. And with all due respect to all of my colleagues who have spoken before, especially the just -- the just prior speaker, because he knows how much I do care about individuals with disabilities, and I do recognize that this resolution will advance the cause there. However, I do have a different point of view than my colleagues who have spoken before me, which I would like to express.

I believe that New York already has robust protection of Civil Rights, extensive Civil Rights protections under Federal law and the U.S. Constitution. I, therefore, just don't believe that this resolution is necessary. New York State already has the Reproductive

Health Act that was passed in 2019. The sponsor has already indicated that this bill mirrors the New York State Human Rights Law which says it currently protects against discrimination based on age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, marital status, disability. We already have those protections enshrined in law and I do think that this, in its form, will open the door to further litigation, as was indicated by my colleague who was to my right here. I think that legislation is, by its very nature, more flexible, but once it's enshrined, as you say, in the State Constitution, it's not as subject to change and that could be seen, depending on your point of view, as a positive or a negative.

I think that this is very reactive to the Dobbs decision from June 24th. I think that that is really is the elephant in the room here and I think that if you really read the Alito decision, not the Thomas concurrence, but the Alito decision, it makes it very clear that they're -- the decision of the majority of the Court was extremely narrow. And I think New York does have already so many of these protections in place.

So for those reasons, and also just plainly the fact that I don't understand some of the definitional language that's going to be going into this as far as pregnancy outcome, reproductive health care and autonomy. I just think that it's too nebulous, I don't -- I don't think we need it so I will be voting in the negative. Thank you, Mr. Speaker.

ACTING SPEAKER PRETLOW: Ms. Walsh in the negative.

Mr. Bronson.

MR. BRONSON: Yes, Mr. Speaker. First, I want to thank the Speaker and the sponsor of this equality amendment. It's vitally important in our State, notwithstanding we do have statutes that give many protections, we had to fight decades for those statutes to get in place and there's no guarantee that they won't be removed by future administrations and legislators. We know that because we have seen that historically happen.

This amendment is about the right of autonomy. It's the right -- about the right to be able to live your life as you choose. It's about recognizing that no matter who you are, where you're from, what you look like, who you love, how you identify, what your ability, we all have the right to equity, justice, and an opportunity to succeed. That is built on the foundation of our country, a right of life, liberty, and the pursuit of happiness. We know that there have been many fights for equality, fights from abolitionist movement, to the Civil Rights, from Seneca Falls, to Stonewall. All of these are moments in history. Today is a moment in history as we put in our Constitution that we will no longer accept inequality. We will no longer accept disparity based on who you are. Instead we, as New Yorkers, and when we put this on the ballot and New Yorkers vote for it, New Yorkers will say that we are making a statement under our Constitution that we believe in equality for all, we believe in justice

for all, we believe that all should have the opportunity for success and the pursuit of happiness.

I'm proud to vote in the affirmative on this historical amendment that will once and for all give us equality once we vote on it again in another Session, and we bring it to the people, let the people decide. I vote in the affirmative, Mr. Speaker.

ACTING SPEAKER PRETLOW: Mr. Bronson in the affirmative.

Mr. Otis.

MR. OTIS: Thank you, Mr. Speaker. I want to congratulate the sponsor for her work on this issue over many years. I want to point out that we have a section in our State Constitution that protects against discrimination, that guarantees equal protection, but for many years that section has been short on who it's protecting. It didn't even protect women. It now is going to protect based upon ethnicity, national origin, age, disability, we had religion and it stays, creed, sex, gender, reproductive autonomy, sexual orientation, because we are saying that every person in this State deserves the respect and the full protection of the law.

And what we see in the Supreme Court and the signal of the Supreme Court is that no one in this country is safe. They took away some rights last week and they threatened, Justice Clarence Thomas threatened to take away more rights, and the other justices said -- maybe they're not there, when they had their confirmation hearings, said they were going to take away the right to choice, so it's

important that we enshrine in the State Constitution the protections for all the categories that we include in the language in this Constitutional amendment.

The public will support it, but we need to say every individual counts, every individual deserves the protection of the law of New York State, and we will better protect them in the future by enshrining those protections in the State Constitution, not just in our statutes. Thank you, Mr. Speaker. I vote aye.

ACTING SPEAKER PRETLOW: Mr. Otis in the affirmative.

Mr. Steck on Zoom.

MR. STECK: Thank you very much, Mr. Speaker. I proudly vote in the affirmative for the reasons so eloquently stated by my colleague, Mr. Bronson. I do want to add, however, that this struggle is not over. I have been practicing Civil Rights Law for 30-plus years and New York State still does not have a Civil Rights enforcement bill like the Federal Civil Rights Law of 1871, also known as 42 U.S.C. § 1983. This House, and I'm very happy to say that we had tremendous support here, unanimous on one side of the aisle and even got votes on the other side of the aisle, for our own New York State 1983 legislation. We need to finish that job and enact that legislation in our next Session, and at that point we will have robust Civil Rights enforcement here in the State of New York. Thank you very much, I vote in the affirmative.

ACTING SPEAKER PRETLOW: Mr. Steck in the

affirmative.

Ms. Wallace on Zoom.

MS. WALLACE: Thank you, Mr. Speaker, for giving me the opportunity to explain my vote. This is an extremely important resolution in the wake of the fall of Roe, where women who enjoyed the right to a safe and legal reproductive health care for 50 years lost it in the blink of an eye. What changed? Did public opinion change? No. Did science change? No. The only thing that changed was the makeup of the United States Supreme Court. It doesn't mean their decision was right, it just means that they were the last to have a word to say something about it. At least for now.

In the meantime, here in New York we will protect our women in our State. We will protect our LGBTQ friends and neighbors. Folks keep asking why is this necessary? We already have these protections in New York. Well, that's because every single day members of this Body are introducing legislation to continue to chip away at the codifications that we have already enacted. So this will enshrine the protections in the Constitutional -- in the Constitution. I want to thank the sponsor for her tenacity and her perseverance and her hard work, and I vote in the affirmative.

ACTING SPEAKER PRETLOW: Ms. Wallace in the affirmative.

Mr. Burke on Zoom.

MR. BURKE: Thank you, Mr. Speaker. Nearly all of these provisions are already in State Law in the statute, so the need

to do this now is, of course, it's not a monkey in the room, it's not an elephant in the room, it's not a gorilla in the room, we all know what it is. It's, of course, in response to the activist right-wing Supreme Court and what they're clearly intending to do to this country, and what they've have done so far is just the beginning. It's been pretty clear, and Justice Thomas has made it pretty clear that it is just the beginning.

So we have to do this not just to enshrine the rights in the Constitution, we have to do it so that we can give New Yorkers the opportunity to speak and speak strongly, and have their voices heard through a referendum, and we have to do it so all of those women out there who are terrified about their rights being taken away from them know that their government, at least here in New York, is standing with them. I proudly vote in the affirmative.

ACTING SPEAKER PRETLOW: Mr. Burke in the affirmative.

Ms. Sillitti.

MS. SILLITTI: Thank you, Mr. Speaker. There's been a slow and steady assault on women's rights for decades, and last week the Supreme Court threw out 50 years of established law and said women don't get to decide on what happens with their own bodies. We don't get to decide whether we live or die, we don't get to decide whether to have a heartbreaking miscarriage naturally or allow a doctor to intervene, sparing excruciating pain. We are leaving it in the hands of State Legislatures, some Legislatures that look to control

women, because at the end of the day, that's what it was all about, controlling women.

Well, not in New York. Here we protect reproductive health care. Here we value women. We are a State that values all people regardless of your sexual orientation, gender identity and expression, ethnicity, country of origin, disability. We are a State that 50 years ago today, and three years before Roe, made history and legalized the right to an abortion. And with this Constitutional amendment that will go before the voters, New York is once again poised to make history. I vote proudly in the affirmative.

ACTING SPEAKER PRETLOW: Ms. Sillitti in the affirmative.

Mrs. Griffin.

MRS. GRIFFIN: Thank you, Mr. Speaker, for explaining my vote. Today marks 52 years to the day of legalized abortion in New York State after the Legislature passed this in 1970, three years before Roe v. Wade. This important amendment protects a woman's autonomy over her own body, and it also includes protecting anyone against discrimination on age, sexual orientation, disability or ethnicity. And this is so important, and now the people of New York State will be protected and they will have the opportunity to vote on this Constitutional amendment. And I thank the sponsor for her hard work on this, and everyone else involved, the staff and all that. It's an important day in New York State, and it's an important day that the New York State residents will get to vote on this Constitutional

amendment. Thank you, I vote in the affirmative.

ACTING SPEAKER PRETLOW: Mrs. Griffin in the affirmative.

Ms. Seawright.

MS. SEAWRIGHT: Thank you, Mr. Speaker, to explain my vote. I rise today to dedicate my vote to the New York State Equality Amendment, to my mentor and former employer who was in this Chamber in 2019, Sarah Weddington, the Roe v. Wade attorney who died late last year. I had the great honor of speaking at her funeral in Austin, Texas, at the State Cemetery earlier this year. In the 40th anniversary edition of her book, *A Question of Choice*, she made clear that the only way to avoid the horrors of illegal abortion, the only way is to keep it legal. She specifically cited the importance of State Constitutions as a vehicle. Just as we are here today in Albany focused on the future of equality, women and men met here in the mid 1800s fighting for equal rights, both before and after the historic Seneca Falls first women's right convention. At such meeting, Susan B. Anthony, Elizabeth Cady Stanton, and Frederick Douglass vigorously advocated that women's rights are human rights.

As our efforts move forward, I wish to thank our Governor for including this in this special Session, the Speaker for his steadfast support, the central staff, Judiciary Chairman Chuck Lavine and my colleagues for supporting this, to all the advocates that worked on this legislation, and a special thanks to my colleague, State Senator Liz Krueger. The New York Constitution was last amended to

address this topic in 1938 when Section 11 was first adopted, prior to the Civil Rights movement, the movement for gender justice, the LGBTQ movement, the disability rights movement and the many developments in anti-discrimination law. As a beacon of our future, New York's Constitution must reflect our broad conception of justice, equal rights, and protections against discrimination. This is the first step to give the voters the right to make the decision. I cast my vote in the affirmative. Thank you.

ACTING SPEAKER PRETLOW: Ms. Seawright in the affirmative.

(Applause)

For exceptions.

MS. WALSH: Exceptions, thank you.

ACTING SPEAKER PRETLOW: Ms. Walsh with exceptions.

MS. WALSH: Thank you. Would you please record Mr. Keith Brown in the affirmative on this one. Thank you.

ACTING SPEAKER PRETLOW: So noted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please record our colleague Mr. Taylor in the negative on this one.

ACTING SPEAKER PRETLOW: So noted.

Are there any other -- are there any other votes?

Announce the results.

(The Clerk announced the results.)

The Concurrent Resolution is adopted.

(Applause)

Resolution from the Senate, the Clerk will read.

THE CLERK: Senate Resolution No. 2, Senator Stewart-Cousins. Concurrent Resolution of the Senate and the Assembly relative to the adjournment of the Extraordinary Session of the Legislature *sine die*.

ACTING SPEAKER PRETLOW: The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The resolution is adopted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, have the Governor and the Senate been informed that the Assembly has completed its labors in this Extraordinary Session and is ready to adjourn?

ACTING SPEAKER PRETLOW: Yes, Mrs. Peoples-Stokes, they have been so informed.

Now I declare this Extraordinary Session adjourned *sine die*.

(Applause)

(Whereupon, at 8:17 p.m., the Extraordinary Session of the Assembly was adjourned *sine die*.)