

FREEDOMINDEX.US

LEGISLATIVE SCORECARD

BASED ON THE PRINCIPLES OF THE U.S. CONSTITUTION



View the Freedom Toolbox

Scan to learn more about the Freedom Index, view legislative alerts, and deepen your understanding of the U.S. Constitution and America's founding principles. Visit <https://freedomindex.us/tools/>



Sam Berger

New York Assemblymember, HD-027 (D)

freedomindex.us/9451/



NY Legislative Scorecard 2025: 20%

✓ Constitutional ✗ Unconstitutional — Did not Vote **Vote**

1. Speed-enforcement Cameras: Extends New York City's school-zone speed-camera program. —

Constitutional: **No** · Cast: None · S08344 · 06/17/2025

2. Forced Firearm Storage: Strengthens gun-storage laws by criminalizing unsafe storage based on severity, requiring offenders to receive safety materials, and mandating state reporting on child firearm injuries and deaths. ✗

Constitutional: **No** · Cast: **Yes** · A01962 · 06/11/2025

3. "Human Rights" Housing: Amends New York's Executive Law to officially include the "disparate impact" standard in the state's Human Rights Law related to housing. ✗

Constitutional: **No** · Cast: **Yes** · A04040 · 06/06/2025

4. Minority Business Contracts: Requires every state agency in New York that awards contracts to create a three-year growth plan aimed at increasing the participation of minority- and women-owned business enterprises (MWBES) in contracts and subcontracts. ✗

Constitutional: **No** · Cast: **Yes** · S01218 · 05/29/2025

5. Assisted Suicide: Would allow a mentally competent adult with a terminal illness and a doctor's prognosis of six months or less to request and self-administer medication to peacefully end his or her life. ✓

Constitutional: **No** · Cast: **No** · A00136 · 04/29/2025

6. Warrant Requirement: Mandates that government agents must obtain a search warrant before accessing electronic device data—whether searching devices physically or accessing communications electronically. ✗

Constitutional: **Yes** · Cast: **No** · A02565 · 03/26/2025

Why do these votes matter?

1. Speed-enforcement Cameras

S8344 extends New York City's school-zone speed-camera program. It includes technical corrections to the existing legislation and renews authorization for speed-camera enforcement in school speed zones.

The New York State Assembly passed S8344 on June 17, 2025 by a vote of 110 to 31. We have assigned pluses to the nays because traffic cameras violate due process, privacy, and equal protection—contradicting the Fourth, Fifth, Ninth, and 14th Amendments by presuming guilt, enabling unreasonable searches, and applying the law unequally.

2. Forced Firearm Storage

A1962 introduces tougher rules for the safe storage of guns. If someone storing a firearm knows a minor or a prohibited person could access it, it's a crime. A repeat offense is a class B misdemeanor, reckless storage is a class D felony, and causing death is a class C felony.

The New York State Assembly passed A1962 on June 11, 2025 by a vote of 93 to 46. We have assigned pluses to the nays because infringes on the constitutionally protected right to keep and bear arms under the Second, Ninth, and 10th Amendments. It burdens law-abiding citizens with storage mandates that hinder self-defense, removes exemptions, and penalizes responsible gun owners, eroding individual freedom under the guise of safety.

3. "Human Rights" Housing

A4040 amends New York's Executive Law to officially include the "disparate impact" standard in the state's Human Rights Law related to housing. This means housing practices can now be legally challenged—not only when discrimination is intentional, but when neutral policies disproportionately harm protected groups.

The New York State Assembly passed A4040 on June 6, 2025 by a vote of 95 to 46. We have assigned pluses to the nays because this bill enshrines "disparate impact," creating unequal classes in violation of the 14th Amendment and contradicting the Declaration's truth that all men are created equal. It also violates free-market and property rights protected by the Fifth, Ninth, and Article I, Section 10, burdening owners with government mandates that undermine economic freedom and the God-given right to use property freely.

4. Minority Business Contracts

S1218 requires agencies awarding contracts to file three-year plans to boost minority- and women-owned business participation, reporting annually to the governor and legislature. Plans must review procurement practices, bidder debriefs, use of Empire State Development resources, and waiver reductions, with the goal of expanding opportunities in state contracting.

The New York State Assembly passed S1218 on May 29, 2025 by a vote of 144 to 2. We have assigned pluses to the nays because this bill mandates race- and gender-based contracting, violating the 14th Amendment and the Declaration's principle that all are created equal. True equality requires merit-based competition, not government favoritism. It also distorts the free market, inflates costs, and burdens taxpayers to fund unconstitutional programs.

5. Assisted Suicide

A136 would allow a mentally competent adult with a terminal illness and a doctor's prognosis of six months or less to request and self-administer medication to peacefully end his or her life.

The New York State Assembly passed A136 on April 29, 2025 by a vote of 81 to 67. We have assigned pluses to the nays because this bill violates the God-given, unalienable right to life affirmed in the Declaration and protected by the Fifth and 14th Amendments. By sanctioning assisted suicide, it twists government's duty to secure life, invites coercion and abuse, and devalues the elderly, disabled, and vulnerable, undermining equal protection for all.

6. Warrant Requirement

A2565 mandates that government agents must obtain a search warrant before accessing electronic device data—whether searching devices physically or accessing communications electronically. Warrants must be specific and, except in emergencies, must provide notice to the individual.

The New York State Assembly passed A2565 on March 26, 2025 by a vote of 93 to 56. We have assigned pluses to the ayes because this bill affirms the Ninth Amendment's recognition of unenumerated natural rights—including the right to privacy—and upholds the Fourth Amendment's guarantee "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." Additionally, it pushes back against the dangerous precedent set by the federal Patriot Act, which eroded these safeguards by expanding surveillance powers, lowering standards of proof, authorizing secret FISA court warrants, and permitting "sneak and peek" searches without timely notice to individuals.