

Whereas, This piece of legislation is intended to address the purchase and sale of illegal firearms; and

Whereas, There are at least three ways for an individual to obtain a gun illegally: the underground market, through straw purchasers and from corrupt firearm sellers; and

Whereas, The underground gun market contributes more than 90 percent of the guns used to commit crimes; and

Whereas, A straw purchase occurs when someone (the "straw purchaser") legally purchases a gun with the intent to give the gun to someone else, usually someone who would not be able to purchase a gun legally; and

Whereas, While the majority of licensed firearms dealers follow the legal requirements established by the federal government, a few of them disregard the mandatory National Instant Criminal Background Check by selling firearms to individuals who would not qualify to buy a firearm; and

Whereas, The federal government needs to prevent guns from falling into the hands of those individuals not legally allowed to possess them; and

Whereas, The Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") is the law enforcement agency within the United States Department of Justice responsible for tracing guns recovered in the commission of a crime, among other duties; and

Whereas, In order to address corrupt gun sellers, straw purchasers and organized gun traffickers, Senator Kirsten Gillibrand introduced S.1973, which would amend the United States Code by adding a new section entitled "trafficking in firearms;" and

Whereas, S.1973 would make it illegal for an individual to knowingly ship, transport, transfer, or receive 2 or more firearms if the individual has reason to believe that the gun would be used to commit a felony; and

Whereas, S.1973 would make it unlawful for an individual to knowingly make materially false statements to a licensed manufacturer, importer, manufacturer, or dealer of 2 or more firearms; and

Whereas, Additionally, S.1973 would also make it illegal for an individual to direct, promote, or facilitate trafficking in firearms; and

Whereas, An individual who violates the law would be fined, imprisoned for a period not exceeding 20 years, or both; and

Whereas, S.1973 would also include greater penalties for "kingpins" who organize gun trafficking rings and subject individuals who conspire to possess and purchase illegal firearms, such as straw-purchasers, to the same punishment as those who physically sell and receive the illegal guns; and

Whereas, S.1973 also gives the United States Attorney General and the ATF the power to impose tough financial civil penalties and to suspend or revoke the license of corrupt gun dealers; and

Whereas, S.1973 would provide an affirmative defense for anyone who properly conducted a background check that revealed that a buyer could legally possess a gun; and

Whereas, This piece of legislation is necessary to prevent guns from harming communities in New York City and throughout the country; now, therefore, be it

Resolved, That the Council of the City of New York supports S.1973, the Gun Trafficking Prevention Act of 2012, which would amend the United States Code by creating the crime of trafficking or assisting in the trafficking of a firearm.

SA/CJG
LS # 3111
12/14/11