



## Legislation Text

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**File #:** Res 0597-2004, **Version:** \*

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### Res. No. 597

Resolution calling on the State Legislature to amend the Penal Law to include the denial of a weapons permit for any applicant convicted of violating New York City's assault weapons ban.

By Council Members Yassky, The Speaker (Council Member Miller), Addabbo, Brewer, Clarke, Comrie, Fidler, Gennaro, Gonzalez, Jackson, James, Koppell, Liu, Martinez, Nelson, Quinn, Rivera, Stewart, Weprin, Recchia, Vallone, Reed, Foster, Katz, Gerson, Felder, Seabrook, Sears and The Public Advocate (Ms. Gotbaum)

Whereas, The Assault Weapons Act, part of the Federal Violent Crime Control and Law Enforcement Act of 1994, banning the sale of certain firearms classified as assault weapons, expired on September 13, 2004; and

Whereas, Weapons generally classified as assault weapons are semiautomatic versions of fully automatic firearms designed for military use, with their dedicated purpose being to permit rapid fire at multiple targets; and

Whereas, The list of modifications to a semiautomatic weapon, thus classifying it as an assault weapon pursuant to New York City Administrative Code § 10-301 and New York State Penal Law § 265, are additional military features designed solely to maximize the weapon's lethality with no hunting or recreational purpose; and

Whereas, The present definition of "assault weapon" as classified by New York City Administrative Code § 10-301 is slightly broader than the definition under New York State Penal Law § 265; and

Whereas, The Brady Campaign has published material detailing that assault weapons have been used in many of the most gruesome mass murders in the United States, including instances where a single individual murdered 21 and wounded 19 at a fast food restaurant in San Ysidro, California in 1984; where a single gunman, able to fire 106 rounds in under 2 minutes, killed 5 children, wounded 29 others and a teacher at an

elementary school in Stockton, California in 1989; and where a single individual killed 8 and wounded 6 at a law office in San Francisco in 1993; and

Whereas, A study published by the Brady Center reports that the total number of assault weapons that the Federal Bureau of Alcohol, Tobacco and Firearms has traced for their use, or suspected use in a crime has decreased by 66% since the Federal ban; and

Whereas, Seven states, including New York, have enacted bans on assault weapons since 1989 and the deaths of police officers by the use of assault weapons has declined from approximately 16% in 1994 to zero by 1996; and

Whereas, As the expiration of the Federal Assault Weapons Act will allow assault weapons to be legally produced and distributed in 43 states, there is a heightened threat of assault weapons entering New York City, producing a corresponding necessity for additional background inquiry of applicants for licenses to purchase, sell, carry, possess, repair and dispose of firearms; and

Whereas, New York Penal Law § 400 (1) sets forth the terms and conditions for denying a license to carry, possess, repair and dispose of firearms and includes that “[n]o license shall be issued or renewed except for an applicant . . . who has not been convicted anywhere of a felony or a serious offense;” and

Whereas, § 10-303.1 of the New York City Administrative Code sets forth the prohibition on the possession or disposition of assault weapons and includes that any person who violates § 10-303.1 is guilty of an unclassified misdemeanor; and

Whereas, It is widely agreed by law enforcement that assault weapons are the “weapon of choice” for drug traffickers, gangs, terrorists and paramilitary extremists groups and it is thus important to deny a firearms license to any individual convicted of violating New York City’s assault weapons ban; now, therefore be it

Resolved, That the Council of the City of New York calls on the State Legislature to amend the Penal Law to include the denial of a weapons permit for any applicant convicted of violating New York City’s assault weapons ban.

