



Legislation Text

File #: Res 0674-2015, **Version:** A

Proposed Res. No. 674-A

Resolution calling upon the New York State legislature to pass and the Governor to sign, A.53-A/S.2291-A, also known as Nicholas' Law, which would amend the New York State Penal Law, Environmental Conservation Law and General Business Law by requiring the safe storage of all guns not in the immediate possession or control of the gun owner.

By Council Members Williams, Chin, Gentile, Gibson, Rosenthal, Cohen and Levin (by request of the Brooklyn Borough President)

Whereas, According to a 2012 General Social Survey, one-third of households with children contain a firearm in the United States ("U.S."); and

Whereas, According to the U.S. Centers for Disease Control and Prevention ("CDC"), 1.7 million U.S. children under 18 lived in homes with a loaded and unlocked firearm in 2002; and

Whereas, According to the CDC, 98 American children died from accidental shootings in 2010; and

Whereas, According to the Harvard School of Public Health, children were the shooters in roughly 85% of accidental shootings of children in the U.S. between 2003 and 2006; and

Whereas, According to the Law Center to Prevent Gun Violence, 14 states, along with the District of Columbia, currently have laws that hold adults criminally liable if they fail to store a gun safely; and

Whereas, A.53-A, introduced by New York State Assembly Member Amy Paulin and passed by the Assembly on June 15, 2015, and companion bill S.2291-A, introduced by New York State Senator Jeffrey Klein, seek to amend the New York State Penal Law, General Business Law and the Environmental Conservation Law by enhancing the prevention of gun injuries and deaths by limiting children's access to guns; and

Whereas, A.53-A/S.2291-A, also known as “Nicholas’ Law”, is named for 12-year-old Nicholas Naumkin, of Saratoga Springs, New York, who died in 2010 after being shot unintentionally by a friend playing with his father’s unlocked gun; and

Whereas, Nicholas’ Law would require the safe storage of all guns not in the immediate possession or control of the gun owner, either in a safe storage depository or with a locking device, to prevent access by children and others who should not have access to them; and

Whereas, Gun Owners who fail to comply will be subject to criminal liability ranging from a violation to a Class E felony; and

Whereas, A gun owner who fails to store a weapon safely will be subject to a Class E felony if that gun fires causing physical injury or death; and

Whereas, Nicholas’ Law is supported by notable groups and organizations, including New Yorkers Against Gun Violence; and

Whereas, Nicholas’ Law would help prevent children gaining access to firearms while promoting gun safety for all New Yorkers; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State legislature to pass and the Governor to sign, A.53-A/S.2291-A, also known as Nicholas’ Law, which would amend the New York State Penal Law, Environmental Conservation Law and General Business Law by requiring the safe storage of all guns not in the immediate possession or control of the gun owner.

WJH/BG
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