



Legislation Text

File #: Res 1122-2011, Version: A

Res. No. 1122-A

Resolution calling on the United States Senate and the President to oppose H.R. 822, known as the “National Right-to-Carry Reciprocity Act of 2011,” which would allow a resident from one state who has a license to carry a concealed handgun to lawfully carry his or her handgun into a different state, regardless of the licensing eligibility standards in the other state.

By Council Members Brewer, Rose, Chin, Dromm, Ferreras, Lander, Mark-Viverito, Mendez, Palma, Vann, Williams, James, Jackson, Fidler, Koppell, Arroyo, Rodriguez, Levin, Van Bramer, Garodnick, Barron, Crowley, Dickens, Eugene, Gennaro, Recchia, Reyna and Wills

Whereas, A permit to carry a concealed handgun allows an individual to carry his or her handgun outside of his or her home or place of business; and

Whereas, Both New York State and New York City have instituted stringent procedures governing whether citizens can lawfully possess and carry a handgun; and

Whereas, In New York State, in order to purchase a handgun an individual must first obtain a license to carry or possess a handgun; and

Whereas, The application process entails meeting the following eligibility requirements and a finding of there being no good cause to deny the license: (i) good moral character, (ii) older than 21 years old, (iii) never convicted of a felony or serious offense, (iv) stating whether he or she has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness, and (v) neither having had a license revoked nor being under a suspension or ineligibility order issued pursuant to the provisions of section 530.14 of the criminal procedure law or section eight hundred forty-two-a of the family court act; and

Whereas, In New York State, unless a licensing officer places restrictions on the handgun license, a license to possess a handgun also serves as a license to carry a handgun; and

Whereas, The permit is valid throughout New York State except in New York City where such

individual needs to obtain a special permit to validate such license from the New York City Police Department; and

Whereas, Although New York State and City possess these safeguards, there is a bill pending in Congress that would undermine New York's efforts; and

Whereas, Representative Cliff Stearns (R-FL) has introduced H.R. 822, known as the "National Right-to-Carry Reciprocity Act of 2011," which would amend the United States Code by inserting a new section entitled "reciprocity for the carrying of certain concealed firearms"; and

Whereas, On October 25, 2011, the House Judiciary Committee voted on the bill and it was voted out of the committee by a vote of 19 to 11; and

Whereas, This amendment to the United States Code would allow a resident from one state who has a concealed handgun permit to lawfully carry his or her handgun into most other states, regardless of the licensing standards in that other state; and

Whereas, H.R. 822 would apply to the 48 states that either allow residents of the state to obtain licenses or permits to carry concealed firearms, or that allow the carrying of concealed firearms for lawful purposes without the need for a permit; and

Whereas, H.R. 822 would permit an individual lawfully licensed to carry a concealed handgun in one state to also be lawfully licensed to carry a concealed handgun in any of the other applicable states, so long as he or she is subject to the same conditions or limitations that apply to residents of that state; and

Whereas, H.R. 822 would permit an individual to carry and conceal a handgun in New York State even if the license he or she holds is from another state with less stringent licensing standards; and

Whereas, H.R. 822 would therefore undermine the strict licensing standards put in place by certain states by creating a loophole for those seeking to carry and conceal handguns in those states; and

Whereas, If H.R. 822 were enacted, the bill would create serious and potentially life threatening situations for law enforcement officers especially when conducting car stops since it would make it difficult for

an officer to verify the validity of such permits and distinguish legal from illegal handgun possession; and

Whereas, New York State Attorney General Eric Schneiderman opposes the bill and expressed his opinion by saying, “the police have no way of checking whether the license you carry is valid or not”; and

Whereas, There is widespread opposition to the bill including 130 mayors, law enforcement officials, and advocacy groups including the New York State Coalition against Domestic Violence; and

Whereas, Each state should determine for itself who can carry a concealed handgun within its borders; and

Whereas, Everyone including New York State residents should be protected from the threat of gun violence and weapons trafficking; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Senate and the President to oppose H.R. 822, known as the “National Right-to-Carry Reciprocity Act of 2011,” which would allow a resident from one state who has a license to carry a concealed handgun to lawfully carry his or her handgun into a different state, regardless of the licensing eligibility standards in the other state.

SA and CG
12/28/11