Legislation Details (With Text)

File #:	Res 1494-2012	**Version:**	*	**Name:**	Support of pending legislation in the NYS Legislature intended to create comprehensive gun control laws.
Type:	Resolution			**Status:**	Filed
				In control:	Committee on Public Safety
On agenda:	9/12/2012				
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Title: Resolution in support of pending legislation in the New York State Legislature intended to create comprehensive gun control laws by: (i) establishing a 10 day waiting period for the purchase of any firearm; (ii) creating universal background checks by requiring that all gun sales in New York State be conducted by a dealer in firearms; (iii) regulating firearms dealers and ammunition sellers and creating strong record retention policies in New York State; (iv) prohibiting the purchase of more than one firearm during any 30 day period; and (v) requiring persons possessing a firearm to hold a firearms safety certificate.

Sponsors:

Indexes:

Attachments:

Date	Ver.	Action By	Action	Result
9/12/2012	*	City Council	Introduced by Council	
9/12/2012	*	City Council	Referred to Comm by Council	
12/31/2013	*	City Council	Filed (End of Session)	

Res. No. 1494

Resolution in support of pending legislation in the New York State Legislature intended to create comprehensive gun control laws by: (i) establishing a 10 day waiting period for the purchase of any firearm; (ii) creating universal background checks by requiring that all gun sales in New York State be conducted by a dealer in firearms; (iii) regulating firearms dealers and ammunition sellers and creating strong record retention policies in New York State; (iv) prohibiting the purchase of more than one firearm during any 30 day period; and (v) requiring persons possessing a firearm to hold a firearms safety certificate.

By Council Member Lappin, The Speaker (Council Member Quinn) and Council Members Arroyo, Brewer, Chin, Dromm, Fidler, Gentile, James, Koo, Lander, Mark-Viverito, Nelson, Recchia, Rose, Williams, Rodriguez and Van Bramer

Whereas, According to the National Center for Injury Prevention and Control, firearms are used to kill over thirty thousand people in the United States every year, including more than one thousand in New York State; and

Whereas, Several recent mass shootings, which have resulted in the death and injury of many innocent

Americans, highlight the need for greater gun control; and

Whereas, On January 8, 2011, outside of a supermarket in Tucson, Arizona, a gunman used a Glock 19 semi-automatic handgun equipped with a large-capacity ammunition magazine to kill 6 people and wound 13 individuals, including Congresswoman Gabrielle Giffords; and

Whereas, On July 20, 2012, inside a movie theatre in Aurora, Colorado, a heavily armed gunman killed 12 people and injured 58 others when he ran to the front of the movie theatre, set off two smoke devices, and began shooting at the crowd using an AR-15 assault rifle, a Remington shotgun, and a .40-caliber Glock handgun; and

Whereas, Tragedy struck again on August 5, 2012 in Oak Creek, Wisconsin, when a gunman entered a Sikh Temple and shot and killed six people; and

Whereas, Gun violence also occurs far too often on the streets of New York City; and

Whereas, In just the past few weeks several people in the City, many of them children and young adults, have been injured and killed by guns; and

Whereas, On August 13, 2012 four teenagers were wounded in a shooting at a playground in Brooklyn; and

Whereas, Two shopkeepers in Brooklyn were shot and killed on July 6, 2012 and August 2, 2012, respectively; and

Whereas, Six people were shot, including two-year-old Ariyanna Prince, on July 29, in a drive-by shooting in Brooklyn; and

Whereas, Kemar Brooks, a 14-year-old boy, was found dead on July 27, 2012 in a public park in the Bronx after being shot; and

Whereas, Five people were shot on July 25 at a basketball tournament in Harlem; and

Whereas, Lloyd Morgan Jr., only four years old, was killed and others were injured when, on July 22, gunmen exchanged fire following a basketball tournament in the Bronx; and

Whereas, On July 4, 2012, twenty-one year old Matt Shaw was shot and killed a few blocks from his mother's house in East Harlem; and

Whereas, These horrific acts and others like them demonstrate that more needs to be done to protect the lives of innocent Americans from senseless gun violence; and

Whereas, While gun violence needs to be addressed on all levels of government and in all states, New York legislators can take action to make sure that New York's laws are as strong as possible; and

Whereas, State Senator Michael N. Gianaris has introduced several bills in the New York State Legislature that impose new regulations and requirements regarding gun sales and ownership in an effort to address gun violence; and

Whereas, These bills have the potential to greatly strengthen current gun laws and close existing loopholes in state law; and

Whereas, Federal law requires anyone engaged in the business of selling firearms to obtain a federal firearms license; and

Whereas, Generally, all federal firearms licensees ("FFLs") must initiate a background check prior to transferring a firearm to a prospective buyer; and

Whereas, The purpose of conducting a background check is to ensure that the prospective buyer does not have a prior criminal history or is in anyway unfit to carry a firearm; and

Whereas, Under current federal law, to check the prospective buyer's background an FFL must contact the Federal Bureau of Investigation ("FBI"), which conducts a background check through the National Instant Criminal Background Check System ("NICS"); and

Whereas, In the event that the FBI is not able to complete an NICS background check within three business days, the FFL may transfer the firearm to the purchaser by default without having thoroughly assessed his or her fitness to own the firearm; and

Whereas, S.7835 would amend the New York State General Business Law by establishing a 10 day

waiting period for the purchase of a firearm for most buyers with the exception of police officers and other individuals specified by the law; and

Whereas, S.7835 would give law enforcement officials more time to perform a thorough background check on the prospective buyers and provide a "cooling off" period to help guard against impulsive acts of violence; and

Whereas, S.7835 would make any FFL who sells a firearm, or any person who takes possession of a firearm from an FFL, before the 10 day waiting period expires, guilty of a class A misdemeanor, and

Whereas, Unfortunately, under current law there is another way to avoid having one's background checked prior to purchasing a firearm; and

Whereas, Since the background check requirement only applies to FFLs, the law creates a private sale loophole where private sellers that are not "engaged in the business of selling firearms" can transfer a firearm without being required to conduct a background check; and

Whereas, As a result, nearly 40% of all firearm sales nationwide are conducted by a private seller; and

Whereas, These exceptions result in a large number of firearm sales where background checks are not legally required and where criminals and other prohibited persons can gain easy access to firearms; and

Whereas, To ensure that firearms are only purchased by those who are eligible to do so it is necessary to implement a system of universal background checks where every sale, regardless of who the seller is and whether or not her or she is an FFL, triggers a background check requirement; and

Whereas, S.7836 creates universal background checks by requiring that all gun sales in New York State be conducted by a dealer in firearms; and

Whereas, S.7836 requires that if neither the seller nor purchaser is a dealer in firearms then the firearm must be delivered to a dealer in firearms who will be responsible for processing the background check prior to sale in accordance with all federal and state laws, including the proposed 10 day waiting period pursuant to S.7835; and

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Whereas, Any person who sells a firearm without properly conducting a background check would be guilty of a class A misdemeanor; and

Whereas, In addition to the importance of background checks, it is equally important that all firearms and ammunitions sales are properly recorded to ensure accountability; and

Whereas, S.7837 would amend the New York State General Business Law to regulate firearms dealers and ammunition sellers and create strong record retention policies in New York State; and

Whereas, The bill would require all those in the business of selling, leasing, or transferring firearms or ammunition to be issued a dealer permit by the New York State Division of Criminal Justice Services, and would create a framework for obtaining such a permit; and

Whereas, The bill would additionally require permit holders to retain detailed records of sales, transfers and leases for a period of 10 years and require that such records be electronically transmitted to the Division of Criminal Justice Services; and

Whereas, The bill would require dealers to safely secure firearms in specific ways; and

Whereas, Under the bill, inventory of firearms would be required to be performed twice a year and any loss or theft of ammunition would have to be reported within 48 hours of the loss or theft; and

Whereas, Those who violate the provisions regulating firearms dealers and ammunition sellers would face a penalty of a class A misdemeanor; and

Whereas, While background checks prior to sales and proper record retention are essential, to further defend against guns falling into the wrong hands, New York State needs to prevent gun traffickers from buying guns in bulk and reselling them to prohibited purchasers; and

Whereas, S.7834 would amend the New York State Penal Law by creating the crime of unlawful procurement of a firearm, a class A misdemeanor, when an individual purchases or takes possession of more than one firearm from any dealer in firearms during any 30 day period or when a dealer in firearms sells or transfers a firearm to any person who has purchased or taken possession of a firearm during the previous 30

days; and

Whereas, S.7834 would set forth exceptions for law enforcement officials who act within the course and scope of their employment; and

Whereas, Finally, New York State should also ensure that gun owners know how to safely use and store their firearms; and

Whereas, S.7844 would require individuals seeking to possess a firearm to obtain a firearms safety certificate, which would be valid for two years and may be renewed; and

Whereas, Much like a driving test before one can drive a car, S.7844 would require an applicant to submit an application, complete a firearms safety course which includes at least five hours of classroom instruction, pass a written examination, and show proof of a firearms safety certificate issued in his or her name before such an individual could legally possess a firearm in New York State; and

Whereas, S.7844 makes possession of a firearm by a person who is not a holder of a valid firearms safety certificate a class A misdemeanor; and

Whereas, New York State legislators, having a duty to protect the welfare of New Yorkers, should enact these stringent gun control laws and regulations, while ensuring that law abiding citizens retain their constitutional rights, in order to effectively reduce the incidence of gun-related crime and gun violence; now, therefore, be it

Resolved, That the Council of the City of New York supports pending legislation in the New York State Legislature intended to create comprehensive gun control laws by: (i) establishing a 10 day waiting period for the purchase of any firearm; (ii) creating universal background checks by requiring that all gun sales in New York State be conducted by a dealer in firearms; (iii) regulating firearms dealers and ammunition sellers and creating strong record retention policies in New York State; (iv) prohibiting the purchase of more than one firearm during any 30 day period; and (v) requiring persons possessing a firearm to hold a firearms safety certificate

SA/CJG/OP
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