Legislation Details (With Text)

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Title: Resolution urging the New York State Legislature to adopt S5730, which makes gun manufacturers that fail to abide by a code of conduct liable for damages if their guns cause injury or death.

Sponsors: David Yassky, Tracy L. Boyland, Gale A. Brewer, Yvette D. Clarke, Leroy G. Comrie, Jr., Lewis A. Fidler, Helen D. Foster, Vincent J. Gentile, Alan J. Gerson, G. Oliver Koppell, Margarita Lopez, Miguel Martinez, Christine C. Quinn, Domenic M. Recchia, Jr., Philip Reed, Joel Rivera, Kendall Stewart, David I. Weprin, Simcha Felder, Michael C. Nelson, Erik Martin Dilan

Indexes:

Attachments:

Date	Ver.	Action By	Action	Result
10/15/2003	*	City Council	Introduced by Council	
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12/31/2003	*	City Council	Filed (End of Session)	

Res. No. 1093

Resolution urging the New York State Legislature to adopt S5730, which makes gun manufacturers that fail to abide by a code of conduct liable for damages if their guns cause injury or death.

By Council Members Yassky, Boyland, Brewer, Clarke, Comrie, Fidler, Foster, Gentile, Gerson, Koppell, Lopez, Martinez, Quinn, Recchia, Reed, Rivera, Stewart, Weprin, Felder, Nelson and Dilan

Whereas, According to the Bureau of Alcohol, Tobacco & Firearms, 84 percent of all guns used in New York City crimes in 2000 were purchased out-of-state, and about 60 percent of those guns were bought from less than 1.5 percent of federally licensed firearm dealers; and

Whereas, At a recent hearing of the Public Safety Committee, it was revealed that all crime guns recovered in the last five years could be traced to just 7 percent of the country's arms dealers; and

Whereas, In 2000, 532 people were killed by guns in the five boroughs, many of them by weapons purchased in other states with lax gun laws; and

Whereas, S5730, which mirrors the provisions of Council Intro 197, would address the issue of gun manufacturers who negligently sell their products to dealers who are responsible for the sale of most crime guns in this country; and

Whereas, The bill accomplishes this purpose by holding these manufacturers liable for damages if a weapon is used by a person who is not lawfully authorized to possess such weapon to injure or kill another person, but exempts those manufacturers who abide by a code of conduct designed to minimize the sale of guns to those who use them to commit crime; and

Whereas, Pursuant to this code of conduct, manufacturers would not be liable under this bill if (a) they did "not sell weapons to dealers who have more than twenty weapons sold within any continuous twelve month period in the preceding five years traced to use in a crime of illegal possession" or who have not, on their own, "sold weapons twenty or more of which are traced to use in a crime or illegal possession;" (b) make "no sales at gun shows or alternative venues unless such sales at the gun show or alternative venue are conducted only upon completion of a background check;" (c) "only sell weapons to dealers who operate a retail shop located at a fixed address where the dealer maintains an electronic database of name, model, caliber or gauge and serial number of all weapons held in inventory or offered for sale;" and (d) limit purchases by any individual in any given 30 day period to one weapon; and

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Whereas, These common sense guidelines will go a long way to ensuring that New York State is a safer place, and the State Legislature should with all speed consider these proposals and adopt them swiftly; now, therefore, be it

Resolved, That the Council of the City of New York urges the New York State Legislature to adopt S5730, which makes gun manufacturers that fail to abide by a code of conduct liable for damages if their guns cause injury or death.

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