



Legislation Text

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Preconsidered Res. No. 1633

Resolution calling on the President’s Interagency Task Force to Reduce Gun Violence to support the Gun Trafficking Prevention Act and the Fix Gun Checks Act in its final report.

By The Speaker (Council Member Quinn) and Council Members Williams, Cabrera, Vallone, Dickens, Recchia, Reyna, Comrie, Fidler, Foster, Jackson, Vann, Mealy, Ferreras, Koslowitz, Van Bramer, Arroyo, Barron, Chin, Gennaro, Koo, Koppell, Lander, Mendez, Palma, Rose and Wills

Whereas, On December 14, 2012, a gunman claimed the lives of 20 children and six faculty members at Sandy Hook Elementary School in Newton, Connecticut; and

Whereas, The gunman who entered Sandy Hook Elementary School was heavily armed with a semi-automatic assault rifle, two handguns, and high-capacity ammunition magazines, all of which enabled him to wreak havoc on multiple innocent lives in a short period of time; and

Whereas, In response to this tragedy, on December 19, 2012, President Barack Obama announced that Vice President Joe Biden would be in charge of leading an interagency Task Force to Reduce Gun Violence (“Interagency Task Force”); and

Whereas, To find ways to curb gun violence and prevent mass shootings, the Interagency Task Force is charged with formulating a package of policy recommendations by the end of January; and

Whereas, As President Obama stated, the Interagency Task Force has a “very specific task to pull together real reforms right now;” and

Whereas, New York State Senators Schumer and Gillibrand made a request to the Vice President that the Interagency Task Force support the Gun Trafficking Prevention Act and the Fix Gun Checks Act in its final report; and

Whereas, Regulating semi-automatic assault rifles and high-capacity magazines is certainly crucial, but

it is only one step toward curbing all levels of nationwide gun violence and the legislation supported by Senators Schumer and Gillibrand is an additional critical component; and

Whereas, For example, although the State and City of New York have enacted numerous stringent gun control statutes and provisions that effectively reduce the incidence of gun-related crime, accidents, and violence, illegal guns tend to make their way into New York City from other states with less rigorous gun regulations; and

Whereas, In fact, 85% of the guns recovered at crime scenes in New York City were originally sold and purchased in another state; and

Whereas, The Gun Trafficking Prevention Act would empower local, state, and federal law enforcement entities to investigate and prosecute gun traffickers and their entire criminal networks; and

Whereas, Specifically, the Gun Trafficking Prevention Act would make it illegal for an individual to knowingly ship, transport, transfer, or receive two or more firearms if the individual has reason to believe that the gun would be used to commit a felony; and

Whereas, The Gun Trafficking Prevention Act would make it unlawful for an individual to knowingly make materially false statements to a licensed manufacturer, importer, manufacturer, or dealer of two or more firearms; and

Whereas, Additionally, the Gun Trafficking Prevention Act would also include greater penalties for "kingpins" who organize gun trafficking rings and subject individuals who conspire to possess and purchase illegal firearms, such as straw-purchasers, to the same punishment as those who physically sell and receive the illegal guns; and

Whereas, The New York City Council voiced its support of the Gun Trafficking Prevention Act by passing a resolution in support of the Act on January 4, 2012; and

Whereas, In addition to addressing the issue of firearms being illegally trafficked throughout the country, and particularly to New York City, the Interagency Task Force should also seek to ensure that only

those fit to purchase guns are permitted to do so by requiring that all firearm sales be accompanied by a background check; and

Whereas, The Fix Gun Checks Act addresses it by ensuring that all individuals who should be prohibited from buying a gun are listed in the FBI's National Instant Criminal Background Check System (NICS), and would require background checks for all firearm sales; and

Whereas, The purpose of the NICS is to determine if a prospective gun owner is allowed to purchase a firearm; and

Whereas, The NICS database contains information on those who are prohibited from purchasing a firearm including, but not limited to anyone who has been: (i) convicted of a crime punishable by imprisonment for more than a year, (ii) adjudicated as a mental defective or committed to a mental institution, or (iii) convicted of a misdemeanor crime of domestic violence; and

Whereas, Unfortunately, the NICS database is neither comprehensive nor up to date because of lax reporting by states and in some cases federal agencies; and

Whereas, In fact, according to Mayors Against Illegal Guns, 28 states have submitted 100 or fewer mental health records to NICS; and

Whereas, The Fix Gun Checks Act would achieve an accurate gun background check system by ensuring that more names of persons federally prohibited from purchasing a gun are included in NICS; and

Whereas, Passage of these two pieces of legislation is crucial to the effort to combat gun violence across the country and to keep our children and families safe; and

Whereas, The Interagency Task Force should therefore support this legislation in its final recommendations; now, therefore, be it

Resolved, That the Council of the City of New York calls on the President's Interagency Task Force to Reduce Gun Violence to support the Gun Trafficking Prevention Act and the Fix Gun Checks Act in its final report.

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