



## Legislation Text

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**File #:** Res 1636-2000, **Version:** \*

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Res. No. 1636

Resolution calling upon the appropriate committee of the Council of the City of New York to hold hearings on the provisions of the City's gun licensing regulations that deal with an applicant's mental health status.

By Council Members Espada, Carrion, Moskowitz and Reed; also Council Members Foster, Leffler, Nelson, O'Donovan and Robinson

Whereas, Penal Law §400, which sets forth the criteria for issuing or renewing a license to carry a firearm, indicates that no license shall be issued or renewed except for an applicant who "has stated whether he has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness"; and

Whereas, Penal Law §400 further indicates that before "a license is issued or renewed, there shall be an investigation of all statements required in the application by the duly constituted police authorities of the locality...For that purpose, the records of the appropriate office of the department of mental hygiene concerning previous or present mental illness of the applicant shall be available for inspection by the investigating officer"; and

Whereas, The regulations of the New York City Police Department (NYPD) regarding the issuance of a handgun license indicate that the applicant must "disclose any history of mental illness" and "be free from any mental disorders, defects, or disease that would impair [the] ability to safely possess or use [a] firearm"; and

Whereas, On Saturday, August 12, 2000, Arthur Alalouf shot four NYPD officers in a standoff with police in the Gravesend section of Brooklyn; and

Whereas, According to an August 16, 2000 article in the Daily News, Alalouf was able to renew his license every two to three years without the NYPD checking the current status of his mental health; and

Whereas, According to the article, although first-time license applicants must pass an interview and allow the NYPD to check their mental health records, upon an application for license renewal, the status of the applicant's mental state is not checked because there is no repository for the NYPD to update such information; and

Whereas, According to an April 11, 2000 article in the New York Times, there are many loopholes in federal, state and local laws that permit individuals with mental illness or who have been hospitalized for mental illness to obtain a weapon; and

Whereas, The case of Arthur Alalouf demonstrates that a thorough review of NYPD policy and applicable federal, state and local law must be conducted; now, therefore, be it

Resolved, That the appropriate committee of the Council of the City of New York hold hearings on the provisions of the City's gun licensing regulations that deal with an applicant's mental health status.

LS # 3378