



Legislation Text

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Int. No. 210

By Council Members Yassky, Clarke, DeBlasio, Dilan, Foster, Gerson, Koppell, Monserrate, Moskowitz, Perkins, Brewer, Serrano and Weprin; also Council Member Quinn

A Local Law to amend the administrative code of the city of New York, in relation to imposing a civil penalty upon the manufacturers of certain weapons illegally used to injure or kill city employees.

Be it enacted by the Council as follows:

Section 1. Title ten of the administrative code of the city of New York is amended by adding a new section 10-303.2 to read as follows:

§ 10-303.2 Civil penalty for injury or death to city employees; manufacturers of weapons.

a. A person, corporation, firm, partnership or other entity that manufactures any weapon shall be liable to the city for a civil penalty and punitive damages, to be recovered in a civil action brought by the corporation counsel in the name of the city in any court of competent jurisdiction, if such weapon is used by a person who is not lawfully authorized to possess such weapon in the city of New York to injure or kill any employee of the city of New York acting in the course of his or her official duties. Weapon, for purposes of this section, shall mean a firearm, rifle, shotgun, or assault weapon, as such terms are defined in section 10-301; or a machine gun, as defined in the penal law. The liability under this section does not apply to persons, corporations, firms, partnerships or other entities that comply with the following provisions:

(i) does not sell weapons to dealers who have more than 20 weapons sold within any continuous 12 month period in the preceding 5 years traced to use in a crime or illegal possession, as determined by the Bureau of Alcohol, Tobacco and Firearms, or who have not, on their own, sold weapons, 20 or more of which are traced to use in a crime or illegal possession, as determined by the Bureau of Alcohol, Tobacco and

Firearms;

(ii) makes no sales at gun shows or alternate venues unless such sales at the gun show or alternate venue are conducted only upon completion of a background check and all sellers at the gun show or alternate venue agree to conduct sales only upon completion of a background check as dictated by state and federal law for sale at a retail gun store;

(iii) only sell weapons to dealers who operate a retail shop located at a fixed address where:

(a) the dealer maintains an electronic database of make, model, caliber or gauge, and serial number of all weapons held in inventory or offered for sale;

(b) the dealer maintains an electronic database of make, model, caliber or gauge, and serial number of all weapons sold and the name and license number of all purchasers;

(c) the dealer makes visible all permits and legally required signage.

(iv) provides full access of aforementioned records to law enforcement and government regulators conducting compliance inspections;

(v) limits purchases by any individual in any given 30 day period to one weapon;

(vi) implements a security plan for securing weapons in transit.

b. As soon as practicable following the seizure of any weapon meeting the criteria set forth in subdivision a of this section, the police department shall transmit all relevant information, including but not limited to the name of the manufacturer, the model, and the identification number of each such weapon, to the corporation counsel.

c. Notwithstanding the provisions of subdivision a, there shall be no basis for liability under this section if the manufacturer proves by a preponderance of the evidence that: (1) the manufacturer disposed of the weapon to the armed forces of the United States, or a federal, state or local law enforcement agency; or (2) prior to the seizure of the weapon, a lawful possessor of the weapon has reported its theft to a federal, state or local law enforcement agency.

§ 2. This local law shall take effect ninety days after its enactment.

TJB
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