



## Legislation Text

---

**File #:** Res 0954-2005, **Version:** \*

---

### Res. No. 954

Resolution urging the New York State Legislature to adopt legislation that would ensure individuals on any federal terrorist watch list applying for a firearm license for pistols and handguns are prohibited from purchasing or possessing such firearms.

By Council Members Moskowitz, The Speaker (Council Member Miller), Avella, Brewer, Clarke, Dilan, Fidler, Gennaro, Gonzalez, James, Koppell, Liu, Nelson, Sanders Jr., Seabrook, Stewart, Vallone Jr. and Weprin

**Whereas,** In 1998, the Federal Bureau of Investigation (FBI), in conjunction with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and local and state law enforcement agencies, developed the National Instant Criminal Background Check System (NICS), a national system that checks available records on persons who may be disqualified from purchasing or possessing a firearm; and

**Whereas,** Following the tragic events of September 11, 2001, the FBI established a permanent terrorist watch list to serve as a comprehensive listing of individuals under investigation accessible to the law enforcement and intelligence communities; and

**Whereas,** The Government Accountability Office (GAO) issued an investigative report in January of 2005, revealing major loopholes in federal gun laws that allowed dozens of terror suspects on federal watch lists to buy firearms legally in the United States last year; and

**Whereas,** The GAO report found that out of 58 people whom the FBI regards as known or suspected members of terrorist groups, 47 individuals under investigation sought permission to buy or carry a gun and were granted the sale or permission to carry; and

**Whereas,** Currently, New York State generally requires both a state level background check and a federal NICS check for the licensing of firearms, defined by state law as any pistol, revolver or short-barreled

shotgun or rifle; and

**Whereas,** Although these background checks are thorough and extensive, individuals on federal terrorist watch lists are not necessarily prevented from purchasing or obtaining licenses to carry firearms; and

**Whereas,** Federal law defines a number of classes of prohibited purchasers, including felons, fugitives, or those committed to mental institutions, and leave to the states the power to determine additional classes; and

**Whereas,** In addition to the federal prohibitions, pursuant to Penal Law Section 400.00(1), New York State has adopted other classes of prohibited persons such as those who were dishonorably discharged from the U.S. military or under a suspension or ineligibility order due to a domestic violence restraining order; and

**Whereas,** Although Penal Law Section 400.00 (1) allows local firearms licensing agents to reject an application for “good cause,” there is no specific statutory reference to individuals on terrorist watch lists; and

**Whereas,** Given that New York is constantly in a heightened state of alert and that the investigative arm of Congress, GAO, revealed how easily potential terror suspects could obtain firearms in the United States, state legislators should ensure that applicants on federal terrorist watch lists be prevented from obtaining firearms; now, therefore, be it

**Resolved,** That the Council of the City of New York urges the New York State Legislature to adopt legislation that would ensure individuals on any federal terrorist watch list applying for a firearm license for pistols and handguns are prohibited from purchasing or possessing such firearms.

NK 04-14-05  
LS#