



Legislation Text

File #: Res 0751-2007, **Version:** *

Res. No. 751

Resolution in support of the Anti-Gun Trafficking Penalties Enhancement Act of 2006, S.2629, introduced by Senator Charles E. Schumer, which would allow State or local law enforcement agencies access to gun tracing data contained in the Firearms Trace System database that is maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives agency.

By Council Members Vallone Jr., Brewer, Fidler, Gentile, Koppell, Nelson, Recchia Jr., Sears, Stewart and Weprin

Whereas, In 1973, the ATF (federal Bureau of Alcohol, Tobacco, Firearms, and Explosives), for the first time collected data on crime guns from sixteen major cities in a study called “Project Identification”, which concluded among other things, “the percentage of crime handguns purchased interstate was directly proportional to the degree of local handgun control;” and

Whereas, Comprehensive crime gun tracing received White House level support in 1996 as President Clinton announced ATF’s annual Youth Crime Gun Interdiction Initiative (YCGII) report, which became a useful source of information for guiding public policy and law enforcement efforts from 1997 to 2002 for several states such as California, Illinois and Maryland, nevertheless, ATF has not issued a new report since 2002; and

Whereas, Although the Brady Law, enacted in 1993, requires licensed dealers to conduct history background checks and send a copy of the report to state or local law enforcement authorities, the Brady Law also requires the police to destroy the form and its contents within 20 days and in 2004, the Department of Justice (DOJ) issued a final rule requiring the destruction of background check records within twenty-four hours, citing the need to protect “the privacy interests of law-abiding citizens”; and

Whereas, In February 2000, ATF issued its landmark report “Commerce in Firearms in the United

States”, which identified licensed dealers “associated with diversion of firearms to the illegal market on a nationwide basis;” and

Whereas, In recent years, Congress has enacted measures such as the “Tiahrt Amendment” which severely impair law enforcement agencies’ ability to investigate patterns of gun trafficking due to limited disclosure of crime gun trace data: the data requested can only be “for use in a bona fide criminal investigation or prosecution” and even then, the disclosure must be limited to information that “pertains to the geographical jurisdiction of the law enforcement agency or prosecutor requesting the disclosure;” and

Whereas, Law enforcement agencies who request information to craft effective enforcement strategies against dealers, long before a specific criminal investigation has begun or agencies who may need such data to propose legislative initiatives are unable to do so due to the Tiahrt Amendment prohibiting the release to the public any information derived from tracing of firearms; and

Whereas, Pending legislation in Congress, H.R. 5005, attempts to make the Tiarht Amendment riders permanent, further impeding understanding of this problem and the formation of good policy; and

Whereas, ATF reports and independent studies conclude that gun trace data shows: (i) the illegal market is largely supplied by about 1% of licensed dealers; (ii) illegal guns in states with strong gun laws largely originate in states with weak laws; and (iii) the structure and patterns in the illegal firearms market; and

Whereas, Although New York has a law requiring New York law enforcement to report guns used in crime to the ATF, S.2629, would require all law enforcement officials to report all stolen guns and guns used in a crime to the ATF database; and

Whereas, S. 2629, would also allocate additional funding for ATF to give the agency the resources it needs to effectively investigate rogue gun dealers and give ATF discretion over the number of inventory inspections it conducts on gun dealers; and

Whereas, The enactment of, S.2629 would direct the Attorney General to provide state and local governments or law enforcement agencies with information from the gun tracing database and would require

federal, state, and local law enforcement agencies investigating a crime to provide information about stolen firearms used in such crime to ATF; and

Whereas, The release of gun tracing data to law enforcement agencies is crucial in developing strategies to understand and combat the gun black market; now therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to support the Anti-Gun Trafficking Penalties Enhancement Act of 2006, S.2629, introduced by Senator Charles E. Schumer, which would allow State or local law enforcement agencies access to gun tracing data contained in the Firearms Trace System database that is maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives agency.

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