



## Legislation Text

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**File #:** Res 0857-2011, **Version:** \*

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### Res. No. 857

Resolution calling upon the New York State Legislature to pass and the Governor to sign, A.698-B and S.4244-A, an act to amend the criminal procedure law, in relation to certain domestic violence offenses.

By Council Members Lappin, Weprin, Brewer, Cabrera, Fidler, Gentile, Koppell, Koslowitz, Lander, Mendez, Recchia, Van Bramer and Williams

Whereas, Currently, under federal law, a federal firearms licensee (FEL) may not sell or otherwise dispose of a firearm to a person who has been convicted of a misdemeanor crime of domestic violence (MCDV); and

Whereas, The FBI's National Instant Criminal Background Check System (NICS) determines firearm eligibility by conducting a background check, which must be completed within three business days; and

Whereas, In certain cases, NICS requires additional information and follow-up requests are made to other agencies, however, the way that New York State transmits information causes delays in the overall background check; and

Whereas, If NICS does not make a determination within three business days, an FEL may lawfully transfer a firearm; and

Whereas, A.698-B and S.4244-A would permit two of the three critical pieces of information required for a background check to be transmitted directly from the State to the FBI, thereby expediting the background check; and

Whereas, With this critical information in the NICS, if a defendant has been convicted of an MCDV, the NICS could deny a firearm application without further research, resulting in greater efficiencies in conducting background checks; and

Whereas, The swift transmittal of background information will better ensure that an individual who is prohibited under federal law from acquiring a firearm does not acquire such firearm; and

Whereas, Keeping firearms out of the hands of individuals convicted of certain crimes is crucial; domestic violence is a societal crisis that is only aggravated when already convicted individuals obtain firearms; and

Whereas, This legislation will help to close a potential gap in the reporting of crimes by New York State to the federal government, further ensuring that individuals convicted of MCDVs are barred from purchasing or otherwise obtaining firearms legally; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign, A.698-B and S.4244-A, an act to amend the criminal procedure law, in relation to certain domestic violence offenses.

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6/6/11