



Legislation Text

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Preconsidered Res. No. 1647

Resolution commending Governor Cuomo and the New York State Legislature for enacting the New York Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013 and urging other states to pass similar gun control legislation.

By Council Member Gennaro, The Speaker (Council Member Quinn), Rose, Recchia, Reyna, Brewer, Jackson, Koppell, Vann, Mealy, Ferreras, Koslowitz, Van Bramer, Levin, Arroyo, Chin, Comrie, Fidler, James, Koo, Lappin, Mendez, Palma, Williams and Wills

Whereas, The spate of mass shootings across the nation, including the recent tragedy at Sandy Hook Elementary School in Newtown, Connecticut has reignited discussions relating to the need for reasonable gun control measures and other holistic methods of combatting gun violence nationwide; and

Whereas, Encouraged by public support favoring some sort of action on this issue, New York State Governor Andrew M. Cuomo and the New York State Legislature sought to make all New York State residents, especially children, safe from guns and prevent further gun violence; and

Whereas, With guidance and support from Governor Cuomo, Senator Jeffrey D. Klein and the Speaker of the Assembly Sheldon Silver introduced S.2230 and A.2388, known as the Secure Ammunition and Firearms Enforcement Act of 2013 ("Act") which amended various provisions of New York State law to strengthen the state's gun laws and protect the citizens of New York State; and

Whereas, Some key components of the NY SAFE Act of 2013 include broadening the definition of "assault weapon," banning all large capacity gun magazines which contain more than seven rounds of ammunition, requiring background checks for most private gun sales, and keeping guns away from the mentally ill; and

Whereas, The Act amends the definition of assault weapon to capture more dangerous weapons by

defining them as (i) a semiautomatic rifle or pistol that has an ability to accept a detachable magazine and has at least one military-style characteristic such a grenade launcher or folding stock, or (ii) a semiautomatic shotgun with one military-style characteristic; and

Whereas, Under the Act, those who, prior to its enactment, legally owned weapons the Act defines as assault weapons would be able to keep them, provided they register them with the State; and

Whereas, In addition to outlawing semiautomatic weapons, another provision of the Act bans any gun magazine that: (i) contains more than ten rounds of ammunition, regardless of its manufacturing date; and (ii) holds more than seven rounds of ammunition, provided it was obtained after the law was enacted; and

Whereas, The Act addresses the current problem of an insufficient number of background checks occurring by requiring most private sellers to conduct a national instant criminal background check through a dealer before he or she sells a gun, which would ensure that criminals and other individuals who ought not obtain handguns do not obtain firearms; and

Whereas, The Act also limits access to guns by the mentally ill by providing for the revocation or suspension of licenses of individuals with mental illness who are deemed by mental health professionals to pose a danger to themselves or others; and

Whereas, The Act requires that all handgun or assault rifle owners recertify their permits every five years through their county of residence; this will create more accurate licensee information and allow the State to establish an electronic gun permit database that may be run against other databases containing the names of people who would be disqualified from possessing firearms, including those with criminal convictions, involuntary commitments, and those subject to orders of protection, as well as death records; and

Whereas, The Act increases the penalty for the murder of a first responder who is engaged in his or her duties to a Class A-1 felony, with a mandatory penalty of life in prison without parole; and

Whereas, The Act protects families seeking orders of protection by requiring a judge to order surrender of the weapon when he or she finds a substantial risk that an individual subjected to a protective order will use

a gun against the person who obtained such order; and

Whereas, The Act requires safe storage of firearms in households where individuals live who have been convicted of a crime, involuntarily committed, or are subject to an order of protection; and

Whereas, The Act keeps guns out of schools by increasing the penalty for possession of a firearm on school grounds or a school bus from a misdemeanor to a Class E felony; and

Whereas, Lastly, the Act establishes tougher penalties for those who use illegal guns as well as measures to help combat gang violence; and

Whereas, On January 15, 2013, the NY SAFE Act was passed by the Assembly and the Senate, and signed into law by Governor Cuomo, making New York the first state to implement comprehensive and holistic reforms to address the gun violence plague since the tragedy at Sandy Hook Elementary School; and

Whereas, Governor Cuomo justified the State's swift action by stating "we don't need another tragedy to point out the problems in the system"; and

Whereas, All the elected officials of New York state should be commended for swiftly passing this important legislative package; and

Whereas, However, it is also important for other states to pass comprehensive gun control reforms because 85% of the guns recovered at crime scenes in New York City were originally sold and purchased outside of New York State; and

Whereas, New York State will be a safer place when all assault weapons and lethal high-capacity gun magazines are banned nationwide; now, therefore, be it

Resolved, That the Council of the City of New York commends the Governor and the New York State Legislature for enacting the New York Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013 and urges other states to pass similar gun control legislation.

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