



Legislation Text

File #: Res 0049-2004, **Version:** *

Res. No. 49

Resolution calling upon the Governor and the New York State Legislature to amend that section of the New York State General Business Law known as the Pistol and Revolver Ballistic Identification Databank Law, to require that assault weapons, rifles and other long-barreled weapons be included in New York State's ballistics fingerprint database.

By Council Members Nelson, Vallone Jr., Lopez, Gerson, Yassky, Reed, Quinn, Sears, Comrie, Avella, Felder, Fidler, Recchia Jr., Vann, Addabbo Jr., Brewer, DeBlasio, Foster, Gennaro, Jackson, Katz, Koppell, Martinez, Perkins, Stewart, Weprin, Clarke, Liu, Seabrook and The Public Advocate (Ms. Gotbaum)

Whereas, Every gun possesses a unique pattern or distinctive "fingerprint" which is imparted onto any bullets and casings that are discharged from the weapon; and

Whereas, When a gun crime is perpetrated using a gun purchased in New York State, these unique, individual ballistics patterns, when properly preserved and stored in the state's ballistics fingerprint database, can be used to track down and identify the owner of the weapon and ultimately, may lead authorities to the shooter; and

Whereas, Currently, although New York State is one of only two states to require the maintenance of a statewide ballistics fingerprint database, the law only mandates that the database include shell casing data for recently manufactured pistols and revolvers, not for assault weapons, rifles or other long-barreled weapons; and

Whereas, This omission leaves a major void in the ballistics database and, consequently, in law enforcement's potential ability to track down and apprehend perpetrators who use either assault weapons, rifles or other long-barreled weapons in the commission of their crimes; and

Whereas, As our current law stands, had the recent DC sniper attacks occurred in New York State, local authorities would have been powerless to identify the weapon or its owner, despite the existence of New York's

statewide ballistics database; and

Whereas, The heinous acts of the DC area sniper, plus the fact that rifles and shotguns are fast becoming criminal weapons of choice, all underscore the need for New York's current ballistics database law to become more expansive and inclusive in the types of firearms that it covers; and

Whereas, Further, because of the unfortunate reality of the accessibility of various deadly firearms and their frequent involvement in the commission of violent criminal acts, it would be a gross and glaring oversight not to amend the current law to require the inclusion of as many of these different types of deadly firearms as possible into New York's ballistics fingerprint database; and

Whereas, Following the recent sniper crisis, state officials in Maryland, a state that, like New York, requires a ballistics fingerprint database to be maintained, began to look to expand its database program to include about 30 kinds of rifles, instead of just handguns; and

Whereas, Maryland's Lieutenant Governor Kathleen Kennedy Townsend called these proposals to close the existing loopholes, "an effort to provide law enforcement with new tools to fight gun crimes"; and

Whereas, Ammunition is often the sole evidence left behind at a crime scene which links directly to the perpetrator; if law enforcement continues to be deprived of the available technology and means to harness and use this evidence, the safety of all of our communities will continue to be compromised; and

Whereas, Currently, there are countless firearms being purchased in our nation and our state everyday and law enforcement authorities must be equipped to track down these weapons in the event that they are used in the commission of a crime; by expanding New York State's ballistics fingerprinting law to include assault weapons, rifles and other long-barreled weapons, the Legislature would be implementing a much-needed and effective measure to close a glaring and dangerous loophole in the law; and

Whereas, As stated by Richard Aborn of New Yorkers Against Gun Violence, "New York State has led the way in establishing ballistic fingerprinting and it is time for it to do so once again by closing this glaring loophole. It is incumbent upon the legislature and the Governor to give law enforcement the best tools possible

to continue the fight against crime and terrorism”; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Governor and the New York State Legislature to amend that section of the New York State General Business Law known as the Pistol and Revolver Ballistic Identification Databank Law, to require that assault weapons, rifles and other long-barreled weapons be included in New York State’s ballistics fingerprint database.