



NEW YORK STATE SENATOR  
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## Senator Martins on Gun Control

JACK M. MARTINS January 14, 2013

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### **Don't Mistake Motion for Progress**

There's been a lot of talk about gun control lately but not enough thinking. It's an understandable knee-jerk reaction to the heartbreaking massacre at Newtown that has jolted us into action on gun-violence, but we must guard against the ideologues on both the left and the right who seek to hijack the discussion with nonsense that is neither grounded nor realistic. This issue is too important and the sensible people in the middle must resist being crowded out.

This is a rare moment of national accord, when most people agree that something must be done, and we simply cannot squander this opportunity with legislation that doesn't work. Now is the time to logically and realistically assess the situation and design effective laws that will actually keep us safer.

Although New York has among the strictest gun laws in the country, without a national gun policy anything we do is only as effective as the least restrictive gun state – we're only as strong as our weakest link. There are literally millions of illegal guns that make their way into our state and no amount of regulating legal gun ownership addresses that fact. In fact, even if every type of gun were to be made illegal today, we would all agree that the issue of gun violence would remain. So yes - let's review current gun laws, but if we're truly serious, we must also revisit the penalties for disregarding those very same laws.

Here at home, Governor Cuomo has proposed legislation to redefine and limit assault weapons. While I agree that we have a responsibility to review our gun laws and certainly to

close any loopholes in our current definition of assault weapons, I do not believe that the proposal will meaningfully change the status quo. It seems like an obvious fix on paper, but in reality, it isn't. In fact, it will likely have very little effect on gun violence in New York, and at that point, the opportunity to effect real change will have been lost.

Why? Because this type of legislation only serves to further regulate legal, law-abiding gun owners and ignores the criminals with illegal guns. The fact is, those who are committing the violence care little about the law. Case in point: even with what is universally recognized as among the strictest gun laws in the nation, statistics show that more than 80 percent of the guns used to commit crimes in New York are illegal. They likely weren't purchased here, were never registered here, nor were their owners licensed or background checked. The bans we've instituted on certain types of weapons and clip size mean nothing to them and are also routinely ignored. These are people who buy their unregulated weapons on the street and do so without a care for our gun laws. So we are left asking ourselves: Will these people be any less inclined to purchase weapons under newer, re-worded legislation? The answer, as we've seen time and again with each new piece of gun legislation, is a resounding, "No." It's unfortunate, but that is indeed the reality.

So what are we actually doing about the illegal guns that are causing most of the violence? Unfortunately, the answer is very little. Possession of an illegal gun in New York is classified as a misdemeanor which is typically plea-bargained down. Basically, as strict as our gun laws are in New York, they are regularly ignored because the consequences for not following the law are not severe enough to compel compliance. Without serious consequences, the only people who will follow these laws are – you guessed it – the legal gun owners who already do.

And that's where I'm disappointed with the Governor's approach. His plan offers no serious discussion about the lack of consequences for illegal gun crimes – the very ones that are the core of 80 percent of our problem. That's the proverbial elephant in the room and yet we somehow find a way to ignore it. We make gun laws only to then go soft on those who break them. If we are truly serious about ending the catastrophic cycle of violence that is claiming the lives of more than 9,000 Americans a year, then we must address all guns – legal and illegal gun ownership – head on.

That's why I'm proposing legislation to address that. It seeks to strengthen our existing laws by increasing the penalties to crimes associated with the criminal possession, use, sale, and illegal purchasing of guns and making, at minimum, the possession of an illegal gun a felony

offense with mandatory jail time. For me, the bottom line is simple: You break a gun law in New York State and you have the book thrown at you. Would-be offenders must understand that New Yorkers will maintain a zero-tolerance policy, no ifs, ands or buts. And why shouldn't we? If we are committed to strictly restricting legal gun ownership, shouldn't we be just as resolute when it comes to illegal guns?

We've all heard Governor Cuomo's name being bandied about lately in terms of the White House, and certainly, with his successful record of bi-partisan cooperation, one can understand why. I only hope that in furthering his efforts he doesn't seek to appease his supporters who push for more restrictive gun laws, but hesitate when it comes to punishing the criminals who break them. Then our crusade against gun violence would be, in the words of Shakespeare, "full of sound and fury, signifying nothing."

Mistaking motion for progress is unacceptable.