



NEW YORK STATE SENATOR

Patricia Fahy

Sen. Fahy, Capital Region Delegation Introduce Bills to Crack Down on Flare Guns

PATRICIA FAHY July 9, 2025

| ISSUE: **GUN VIOLENCE PREVENTION, CAPITAL REGION AND CENTRAL NEW YORK, ALBANY**



Following weekend of violence in Albany that resulted in house fire due to firing of flare gun, shooting leaving one in critical condition, and multiple injuries, legislation would prohibit youth access and establish penalties

ALBANY, N.Y. – Senator Patricia Fahy (D, WF—Albany) and Assemblymembers John T. McDonald III, RPh (D—Cohoes) and Gabriella Romero (D, WF—Albany, Guilderland, New Scotland) announced they introduced new pieces of legislation today aimed at closing loopholes and cracking down on the misuse of flare guns in New York State, following a

house fire ignited by the discharge of a flare gun, leaving multiple people homeless, in addition to a shooting that left one person critically injured and multiple injured in Albany over the Fourth of July weekend. In just the last year, the Capital Region Crime Analysis Center has confirmed the use of flare guns in at least **12 crimes in the Capital Region**.

The first bill, (S.XXXX/A.XXXX Romero, McDonald), prohibits the sale and distribution of flare guns to individuals under the age of 21. It creates two new criminal offenses when selling to those under 21: Criminal Sale of a Flare Gun in the Second Degree, a violation punishable by a fine of up to \$500 for first-time offenders, and Criminal Sale of a Flare Gun in the First Degree, a class A misdemeanor for repeat offenders. Additionally, it requires any seller of a flare gun to verify that the buyer is *at least 21 years old* through a government-issued photo ID.

The second bill, (S.XXXX Fahy/A.XXXX forthcoming), explicitly defines a “flare gun” and criminalizes their use as a weapon. Furthermore, it adds it to the list of weapons that, when possessed with intent to use unlawfully against another, constitute a criminal offense, Criminal Possession of a Weapon. The bill enables law enforcement to charge individuals who use flare guns as weapons, even if not modified, under the existing weapons statute. This change provides clarity and enforcement power in cases where intent to cause harm is evident.

Flare guns, designed as emergency signaling devices, are increasingly being misused and are capable of causing severe injury, property destruction, or worse. In recent months, flare guns have been involved in violent incidents across New York State, including in Albany, where one was recently fired during Fourth of July celebrations, igniting a fire that destroyed two buildings on Madison Avenue. In May of this year, Albany County Sheriff’s deputies **arrested an 18-year-old in possession of a flare gun modified** to discharge live ammunition. Law enforcement and state, county, and local public safety officials continue to warn of a

troubling trend involving teenagers and young adults using flare guns in assaults, robberies, and other crimes.

“Flare guns were never designed to be weapons, but they are now being weaponized and used to inflict destruction, panic, and pain within our communities, including right here in the Capital Region with the outrageous and unacceptable violence we saw over the Fourth of July weekend,” **said bill sponsor Senator Patricia Fahy**. “These bills ensures that we treat flare guns as what they have become in many dangerous cases: weapons capable of real harm. As flare gun use continues to increase here locally, this legislation sends a clear message that New York State is will take strong, unequivocal action when it comes to the criminal misuse of flare guns in our communities across the Capital Region.”

“Flare guns are intended solely for emergency signaling and are not designed for use as weapons. The recent tragedies in Albany over the past weekend underscores the urgent need for more precise and comprehensive protections from irresponsible usage of firearms,” **said Assemblymember Gabriella A. Romero**. “Enhancing efforts to implement additional safety measures through these critical pieces of legislation is essential not only for the protection of Albany residents but also for the broader safety of communities throughout New York State.”

Assemblymember John T. McDonald III, RPh said, "Keeping flare guns out of the hands of minors who are looking to harm people or property is something that we all should be able to agree on. Similar to a bill that Senator Fahy and I recently passed that would prohibit sales of the drug kratom to those under the age of twenty-one, this legislation would apply an age restriction to further public safety."

“The events in Albany on July 4th make clear the dangers of flare guns,” **said Albany County District Attorney Lee Kindlon**. “We’ve seen the damage a flare gun has when fired at property.

Imagine what could have happened if the flare hit an innocent person. My office will work with Senator Fahy to bring these bills to a vote.”

“By moving quickly on this legislation, we are taking meaningful steps to address flare gun misuse while making our neighborhoods safer for everyone,” **said Albany Police Chief Brendan Cox.** “The incident on Friday, July 4, 2025 was a clear example why there needs to be stronger restrictions preventing the purchase of flare guns with the intent to use them unlawfully. We sincerely thank Senator Patricia Fahy, Assembly members John McDonald and Gabriella Romero for their quick action introducing these two important bills. Their ongoing commitment to public safety is greatly appreciated by the Albany Police Department.”

###