



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan Introduces Legislation to Amend NY's SAFE Act

PATRICK M. GALLIVAN February 11, 2015

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Senator Patrick M. Gallivan (R-C-I, Elma) has introduced a series of proposals that would reform the NY SAFE Act by addressing some of the most egregious aspects of the law as it pertains to Second Amendment rights. In all, Gallivan is sponsoring seven bills and co-sponsoring two others that would amend the controversial law.

"As we continue efforts to fully repeal the SAFE Act, this package of amendments is a step in the right direction towards protecting the Second Amendment rights of all citizens while ensuring public safety," Gallivan said.

The Secure Ammunition and Firearms Enforcement Act was passed in 2013, just one month after the tragic shooting in Newtown, Conn. But instead of focusing on criminals who illegally possess firearms, the hastily passed law targets law-abiding gun owners and sportsmen. It also ignores long-established crime prevention techniques and proven public protection strategies for keeping residents and communities safe.

“I voted against the SAFE Act and support its repeal because I believe it infringes on the constitutional rights of law abiding citizens and does nothing to keep New Yorkers safe,” said Gallivan, a former State Trooper and Sheriff of Erie County. “Short of a full repeal, we can amend provisions of this law piece by piece.”

Gallivan is sponsoring a package of seven bills:

- S.3373: This bill would allow a person to pass his or her legally possessed and validly registered weapons to an immediate family member through their estate. This is not allowed under the current SAFE Act.
- S.3374: The measure would allow individuals to possess certain large capacity ammunition feeding devices if that individual legally possessed the device before implementation of the SAFE Act.
- S.3375: This omnibus bill would eliminate a state program requiring the registration of ammunition retailers and background checks for the purchase of ammunition. It would also repeal that portion of the law that allows only seven rounds of ammunition to be loaded into a magazine. This provision of the SAFE Act was struck down by a federal judge on December 21, 2013.
- S.3376: The legislation would repeal changes the SAFE Act made to the definition of an assault weapon in relation to suspension and revocation of firearms licenses.
- S.3377: The bill would expand the definition of immediate family to include siblings, grandparents and grandchildren in relation to the private sale or disposal of certain firearms. Currently, immediate family only includes spouses, domestic partners, children and step-children.
- S.3378: The measure would amend the law to state that pistol permit applications are not public records and, therefore, not subject to Freedom of Information Law requests. Under the SAFE Act, the name and address of an individual with a firearms license is part of the public record.
- S.3379: The bill would eliminate the recertification requirement for firearms licenses which was created by the SAFE Act.

Several groups have criticized the SAFE Act and have pushed for its repeal, but bills to abolish the law have stalled.

“S.C.O.P.E. continues to call for the full repeal of the NY SAFE Act, which violates the Rights of the Citizens of New York under the 2nd, 4th, 5th, and 14th Amendments to the U.S. Constitution,” said Stephen Aldstadt of the Shooters Committee on Political Education. “S.C.O.P.E. is in support of Senator

Gallivan's efforts to overturn any and all aspects of the NY SAFE Act.”

“The SAFE Act infringes on the rights of hunters, sportsmen and other law abiding citizens. Short of a complete repeal, these legislative changes will correct the most troublesome aspects of the law,” said Larry Becker, Chairman of N.Y. Sportsmen's Advisory Council.

In addition to sponsoring this package of legislation, Gallivan has co-sponsored several bills that would modify the SAFE Act or repeal the law in its entirety. The bills include: S.2612; S.2613; S.1476; S.511; S.1556 & S.1193.