



NEW YORK STATE SENATOR

Brian Kavanagh

## Legislators Announce Gun Violence Prevention Priorities

BRIAN KAVANAGH February 27, 2018

| ISSUE: **GUN VIOLENCE PREVENTION, GUN VIOLENCE, GUN CONTROL, GUNS**



(Albany, NY) — Less than two weeks after the tragic shooting at Marjory Stoneman Douglas High School in Parkland, Florida, New York Legislators for Gun Violence Prevention — a bicameral coalition of New York lawmakers — released a package of bills to prevent gun violence in New York and save lives. The package includes legislation that would create extreme risk protection orders, ban bump stocks, make background checks more effective, and more. As students in Florida and across the country demand stronger gun laws, legislators in New York are once again showing that states can take action to prevent gun

violence.

“Five years ago, we enacted the SAFE Act, ensuring that New York has some of the strongest gun laws in the country. We’ve long known that smart state gun laws — along with effective police work and community-based intervention strategies — can make a real difference in preventing violence and saving lives,” **said State Senator Brian Kavanagh, Chair of New York Legislators for Gun Violence Prevention and sponsor of three bills in the package.** “Even if the gun industry lobby and its allies in Washington continue to block federal progress on this issue as they have for so long, I believe that New York lawmakers can and will step up. The Parkland students are calling for change, and here in New York we’re answering their call.”

The package includes bills that would affect five broad areas of policy:

#### **Who Can Have a Gun or Permit**

- **Extreme Risk Protection Orders** — This bill, sponsored by Senators Kavanagh and Hoylman (S7133) and Assemblymember Simon (A8976), establishes a new court-issued order of protection prohibiting individuals from purchasing, possessing or attempting to purchase or possess a gun if they are found likely to harm themselves or others.
- **Hate Crimes** — This bill, sponsored by Senator Kavanagh (S7072) and Assemblymember Walker (A7547), prohibits individuals convicted of hate crimes from purchasing or possessing guns.
- **Domestic Violence:**
  - One bill, sponsored by Assemblymember O’Donnell (A5025), enacts the “Domestic Violence Escalation Prevention Act” and prohibits those convicted of certain offenses

against members of the same family or household from purchasing or possessing guns.

- A second bill, sponsored by Senator Savino (S5963) and Assemblymember Paulin (A980), requires the surrender of weapons following a conviction in certain misdemeanor domestic violence cases.

- **More Effective Background Checks** — This bill, sponsored by Senator Gianaris (S5808) and Assemblymember Fahy (A9068), implements the “Effective Background Check Act of 2018.” It expands the time to conduct a background check from three days to ten days, requires licensed firearms businesses to report attempts by prohibited individuals to purchase a weapon, and requires background checks for employees who are authorized to possess or transfer firearms.
- **Close the Out-of-State Gun Permit Loophole** — This bill, sponsored by Senator Kavanagh (S7605), closes a loophole in current law by requiring residents of other states applying for a New York gun license to sign a waiver allowing New York to access mental health records in their home states.

### **Hardware and Ammunition**

- **Ban Bump Stocks and Similar Accessories:**
  - One bill, sponsored by Senator Hoylman (S6902) and Assemblymember Abinanti (A8913), prohibits accessories that accelerate the rate of fire of semiautomatic weapons.

- A second bill, sponsored by Senator Lanza (S6918) and Assemblymember Fahy (A8717), makes it a crime to possess, manufacture, or sell trigger cranks, a bump-fire devices or other firing accelerators.
- **Undetectable Guns** — This bill, sponsored by Senator Parker (S5829) and Assemblymember Abinanti (A914), makes it a crime to possess, manufacture, sell, or transport of a gun that is undetectable to x-rays, magnetometers, or metal detectors.

### **Gun Owner Responsibility**

- **Safe Gun Storage and Preventing Child Access** — One bill, sponsored by Senator Klein (S4392) and Assemblymember Paulin (A563), establishes “Nicholas's Law,” while another sponsored by Senator Krueger (S3355) and Assemblymember Abinanti (A1990) enacts the “Children’s Weapon Accident Prevention Act.” The bills make it a crime to fail to securely store a weapon to prevent injury and death due to use or handling unintended by the person authorized to possess the weapon.

### **Solve Gun Crimes**

- **Microstamping Ammunition** — This bill, sponsored by Senator Peralta (S470) and Assemblymember Jaffee (A5826), requires semiautomatic pistols manufactured or delivered to any licensed dealer in New York to be capable of microstamping shell casings, making it easier for law enforcement to track guns used in crimes.

## Other Laws and Policies

- **Gun Buybacks** — This bill, sponsored by Assemblymember Rosenthal (A4798), establishes the municipal gun buyback program and a municipal gun buyback fund.
- **Suing Negligent Gun Manufacturers** — This bill, sponsored by Senator Bailey (S5922), overturns a legal holding that prevents victims and their families from seeking compensation from gun manufacturers found to negligently market firearms to irresponsible buyers.
- **Gun Violence Research:**
  - One bill, sponsored by Senator Persaud (S4363) and Assemblymember Simon (A2977), creates and funds a firearm violence research institute.
  - Another bill, sponsored by Assemblymember Titone (A6640), establishes the gun safety research fund.

In January 2013, New York enacted the Secure Ammunition and Firearms Enforcement ACT (SAFE ACT), which gave the Empire State some of the strongest gun laws in the country. The SAFE Act required background checks for all gun buyers, prohibited the sale of assault rifles with certain characteristics, imposed a ban on high-capacity ammunition magazines, and increased penalties for using illegal guns, among other measures.

According to the Centers for Disease Control, New York has the third lowest rate of gun related deaths in the country. Still, in 2016 900 New Yorkers were killed by guns and

hundreds more were injured – and more must be done to keep residents safe.

**Rebecca Fischer, Executive Director of New Yorkers Against Gun Violence, said,** “We are grateful to have gun violence prevention champions taking the lead in the New York State legislature. As the country continues to grieve in the aftermath of the Parkland shooting, our lawmakers here in New York are stepping forward to save lives. This package of common sense legislation will close gaps in our state law and prevent individuals who are dangerous to themselves and others from accessing guns. Now, perhaps more than ever, New Yorkers—including our children—recognize that reasonable gun safety laws protect our families and our communities.”

"More responsible gun laws will make our communities safer, keep firearms away from dangerous people and ensure preventable tragedies do not happen,” **said Senator Michael Gianaris, sponsor of S5808 to make background checks more effective and NYLGVP Steering Committee Member.** “Senate Democrats will not stop fighting for a safer future for New York families."

**Assemblymember Patricia Fahy, NYLGVP Steering Committee Member and sponsor of A9068 to improve background checks and A8717 to ban firing accelerators said:** “The tragedy in Florida was a grim reminder that we have waited far, far too long to take serious action on gun control. The safety of our communities is at stake and our laws must reflect the need for vigilance in response to gun violence. I’m proud to sponsor legislation to strengthen background checks and to ban bump stocks and pledge to do all I can to keep guns and especially assault weapons out of the hands of violent individuals.”

**Senator Jose Peralta, NYLGVP Steering Committee Member and sponsor of S470, which requires microstamping of semi-automatic pistol ammunition, said:** “I have always been a strong advocate for gun control and gun safety measures. In fact, many of my proposals are included in the Safe Act, the gun safety package signed by Governor Andrew Cuomo after the Sandy Hook

Elementary School massacre. I am also still fighting for other additional measures to prevent the epidemic of gun violence and protect New Yorkers, including my microstamping bill. I join Senator Kavanagh's efforts on these gun violence prevention proposals and will work hard until they become a reality."

"I have made fighting to protect our children and our residents from gun violence a priority since I joined the Assembly 17 years ago, and was an advocate myself on this issue long before then," **said Assemblymember Amy Paulin, NYLGVP Steering Committee Member and sponsor of A980, which requires the surrender of weapons following a conviction in certain misdemeanor domestic violence cases, and A563, which enacts "Nicholas's Law."** "We can't let up the fight — there is still so much more that we need to do. I have fought for a bill to take guns out of the hands of those convicted of domestic violence. I am also sponsoring Nicolas's law, which would require the safe storage of firearms to prevent more injuries and deaths, particularly of children. We've shown that working together, we can beat the gun lobby in New York. We can and will do it again."

"Gun violence that takes the lives of schoolchildren is especially tragic, but the killing of 17 people last week in Parkland, FL, at the hands of a 19-year-old with an AR-15 has ignited a new passion, with high school students leading the way. This time, we refuse to give up until we pass meaningful gun reforms that will spare other families the suffering of losing a loved one to preventable gun violence," **said Assemblymember Linda B. Rosenthal, NYLGVP Steering Committee Member and sponsor of A4798 which establishes the municipal gun buyback program and municipal gun buyback fund.** "I am proud to stand with my colleagues again today to demand passage of even stronger gun violence prevention measures. My legislation will create a uniform statewide gun buyback program to encourage people to turn in the firearms in their possession. I look forward to passage of this bill and all the other bills in the package."

**Assemblymember Matthew Titone, NYLGVP Steering Committee Member sponsor of A6640 which establishes a gun safety research fund, said:** “In 2016 I first introduced legislation which would create a gun safety research fund in New York State. Since 1996 the U.S. Congress has restricted funding for the Centers for Disease Control and Prevention (CDC) for gun-related research, essentially denying policy makers data on the causes of gun violence or what steps could be taken to reduce or prevent the thousands and thousands of deaths each year. This head-in-the-sand approach is unique to gun violence. Whereas research has been essential in fighting diseases and accidental fatalities, we are being denied this tool to reduce gun deaths. If the federal government is not going to take responsibility, New York State must step in.”

**Assemblymember Michael Blake, NYLGVP Steering Committee Member said:** “Whether it was Trayvon Martin six years ago yesterday or young Lloyd Morgan in The Bronx; whether it is Parkland or Las Vegas; whether it happens in a suburban area or too often in urban communities without getting similar attention and remedies, it is inhumane and unconscionable that Republicans are choosing to side with the National Rifle Association and the gun industry instead of saving and protecting lives. Responsible gun ownership, especially when it comes to hunting or familial tradition, is respected and I agree should continue. However, what must end now is the loss of life due to inadequate national common sense gun legislation. I commend New York State Senator Brian Kavanagh for his remarkable leadership and steadfast vision for us all to do more as legislators. Simply put, #enoughisenough, and, we must implement life saving solutions NOW!”

“While New York State has some of the strongest gun laws in the nation, we need to do more. For too many decades, the NRA has whittled away at common sense solutions to ensure that guns stay out of the hands of people who will use them to do harm. We must stand up to the NRA, and we must take immediate action to ensure that tragedies such as Parkland do not happen here in New York or anywhere else,” **said Assemblymember and NYLGVP Steering Committee Member Jeffrey Dinowitz.**

**Senator Jeff Klein, sponsor of S4392, which enacts “Nicholas’s Law” said:** "As the prime Senate sponsor of the SAFE Act, considered the toughest gun laws in the nation, I'm proud that New York has led the way on gun control. Those laws came in the wake of the Sandy Hook massacre, and now four years later we can find ways to strengthen those laws in the wake of the mass shooting in Parkland, Florida. I sponsor legislation named after Nicholas Naumkin, a 12-year-old, who was fatally shot while playing with a friend. This common sense legislation would increase the penalty for people who do not properly lockup guns, leaving children in danger. There are always ways that we can tighten our laws and lead the way when it comes to gun control. The message today is clear: If you take aim at our children, we will fire back."

"The recent school shooting in Parkland, Florida was devastating. We have learned that the shooter had a history of escalating violence and that people close to him were concerned about his behavior. A temporary Extreme Risk Order of Protection (ERPO) could have prevented a tragedy like this. We must ensure that another tragic shooting like this does not happen again, and one way to do that is to pass ERPO legislation and restrict access to firearms for those who pose a serious risk. There is still so much we do not know about effective ways to prevent gun violence, but scientific research can change that. New York should create a firearms violence research institute so that we can better understand and prevent gun violence. New Yorkers overwhelmingly support the creation of a firearms violence research institute - nearly 25,000 people have signed onto my petition with Senators Persaud, Kavanagh, Assemblymember Titone, and advocacy groups," **said Assemblymember Jo Anne Simon who sponsors ERPO legislation (A8976) and legislation to create a firearms violence research institute (A2977).**

**Senator Brad Hoylman, sponsor of S6902 which bans bump stocks, and co-prime sponsor of S7133 which creates extreme risk protection orders, said:** "Legislators at every level of government have a responsibility to protect our children and communities from gun violence. Parkland was America's 41st mass shooting in 2018 and there have been numerous shootings since. The

package of common sense gun control measures put forward by NYLGVP, including my bill closing the bump stock loophole, will reaffirm New York as a leader in the fight against gun violence and save lives. It defies logic that a loophole in New York law allows individuals to sell, purchase, and possess bump stocks with no questions asked. New York must act now."

**Assemblymember Abinanti, sponsor of A8913, A914, and A1990 to ban bump stocks, make undetectable guns illegal, and require safe gun storage said:** "Guns are not toys and should not be treated as toys. Guns can be weapons of mass destruction and should be held only by those who have proven they won't mis-use them. It's time to protect the right to be free from gun violence."

**Senator Liz Krueger, sponsor of S3355, which enacts the Children's Weapon Accident Prevention Act, said:** "We have a responsibility to keep New York families safe and secure from gun violence. That means enacting commonsense laws that the vast majority of people, including gun owners, support. It's simply not enough for elected officials to offer words of condolence after yet another school massacre, yet another teen gun suicide, yet another incident of domestic violence with a gun. The time for action is now."

"Those convicted of domestic violence should never have access to firearms, which is why I've proposed legislation to close the glaring loophole that currently exists allowing them to do so. Many of the madmen who have perpetrated mass shootings across the country have had records of domestic violence, showing the importance of closing this glaring loophole. As legislators, it is our responsibility to protect our constituents, and passing this bill is first step in the right direction to do just that," **said Senator Diane Savino, sponsor of S5963 which requires the surrender of weapons following certain misdemeanor domestic violence convictions.**

**Assemblymember Daniel O'Donnell, sponsor of A5025 which enacts Domestic Violence Escalation Prevention Act said,** "As the gun debate rages throughout the country, New York State has not had a deadly school shooting in 25 years. We haven't assembled today to talk about

considering our schools targets that need hardening, or about arming our educational professionals. Many of the bills we are discussing today were introduced months before the tragedy in Parkland, FL. They are a testament to the key to saving lives: acting proactively. Our willingness to have open dialogue about responsible gun ownership, sales, and gun violence in NY resulted in these examples of common sense measures. My bill, A5025, simply says those convicted of the crime of domestic violence should have their gun license revoked. I hope these pieces of legislation serve as an example to legislators throughout the country.”

**Senator Gustavo Rivera said:** “Gun violence is an epidemic that continues to claim the lives of too many Americans and continuously devastates communities across our country,” said State Senator Gustavo Rivera. “We must work together to implement policies that further strengthen our gun control regulations and will help prevent senseless gun-related deaths in New York State.”

**Senator John Brooks said:** “Common-sense regulations including banning bump stocks, implementing extreme risk protection orders to keep guns out of the hands of persons deemed to be a threat, and making background checks more effective need to be a part of New York’s agenda to protect our citizens. These measures are long overdue and we owe it to all New Yorkers to get this done.”

**Assemblymember Pamela Hunter said:** “Now more than ever it is imperative that proper gun violence prevention legislation be enacted. It is unacceptable for the status quo to continue and for students to worry for their own safety while pursuing an education. I am proud to sponsor Senator Kavanagh’s legislation to close the out-of-state gun permit loophole in the Assembly. Screening mental health history is a basic measure that will reduce the instances of those with severe mental illness obtaining deadly weapons.”

**Senator David Carlucci said:** “In this country we need common sense gun control legislation. I don't want to see another school shooting, those children in Parkland could have been any of our children. We will do more here in New York, but President Trump needs to mandate universal background checks that are done more thoroughly, institute a ban on assault weapons, and ban high-capacity magazines.”

**Assemblymember Yuh-Line Niou said:** "Columbine, Sandy Hook Elementary, Marjory Stoneman Douglas High — enough is enough. These tragedies are preventable and we must do more to keep our communities safe. New York State cannot stand by as our communities continue to be devastated by gun violence. The answer to this problem is simple — stronger gun laws and fewer guns on our streets. I stand today not just with our legislators, but everyone who is working to push back against the scourge of gun violence in our nation."

“Last week’s gun violence is another example why we must act. School safety is a top priority for parents, educators, students and community members. It can't be taken for granted,” **said Assistant Assembly Speaker Felix W. Ortiz.** “The SAFE Act and other gun safety measures are necessary to keep arms out of the hands of those with a record of violent behavior. We must also look at the root problem of gun violence when it begins in our schools. Our priority must be putting children first. Early detection and prevention of aggressive behavior may escalate if gone unaddressed. I am supporting legislation to place certified social workers in every elementary, intermediate, middle, junior high and senior high school in New York and to establish an anonymous statewide toll-free hotline for reporting instances of bullying in schools. We need a zero tolerance policy.”

**Assemblymember Phil Steck said:** “I have long been a supporter of gun control, which became an issue in my first election to the Assembly. The voters in my district support gun control. The safety of all Americans is at stake.”

“Each year, gun violence kills more than 33,000 Americans, which is comparable to the more than 33,000 Americans killed by motor vehicles. The recent tragedy in Florida serves as a reminder of the inaction in Washington. As a New York State Legislator and a member of the New York Legislators for Gun Violence Prevention, I am strongly committed to keeping guns from falling into the wrong hands through legislation, education, and activism. With strong leadership from the Assembly, New York has worked hard to prevent gun violence through the SAFE Act, enforcement efforts intended to keep guns out of the wrong hands, and community gun violence prevention programs. Locally, I am proud that the NYPD 19th Precinct in my district is actively participating in the Buy Back Program for operable handguns, assault rifles, shotguns and air guns. As a result, our State of New York consistently has some of the lowest gun death rates in the country. I believe that our efforts for gun violence prevention should be renewed as violence continues in communities across our state and nation,” **said Assembly Member Rebecca Seawright.**

“States have no choice but to step up to prevent gun violence when the federal government refuses to. In New York, we have already implemented strong gun laws, but we have to do more to put an end to these all too common tragedies,” **said Assemblymember Dan Quart.** “We must work together to pass an even stronger, comprehensive package of legislation that can help save lives. These common sense reforms will keep our families and communities safe.”

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