



NEW YORK STATE SENATOR

Fred Akshar

## 12.21.18 - Senator Fred Akshar Releases Survey Results on Social Media and Search History Background Checks for Pistol Permit Applications and Renewals

FRED AKSHAR December 21, 2018

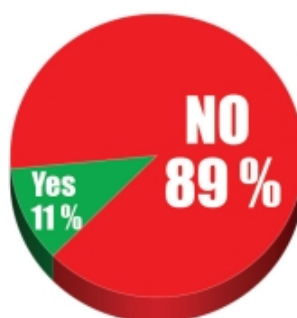
| ISSUE: **GUN CONTROL, GUN VIOLENCE PREVENTION, GUN LEGISLATION, 2ND AMENDMENT, COMMUNITY VOICE SURVEY**

**Do you support New York State requiring anyone applying for a license or renewing their license to carry or possess a pistol to submit to an investigation of their social media posts and search engine searches for the past 1-3 years as part of the mandatory background check?**

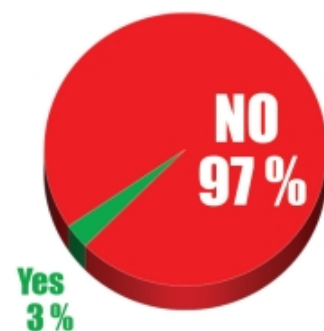
**Senate District 52**



**Total**



**Outside SD 52**



Senator Fred Akshar released the results of an online survey posted earlier this month gauging constituents on a **new piece of legislation** that would require anyone applying for or renewing a pistol permit license to consent to having their social media accounts and search engine history of the past 1-3 years reviewed and investigated by police as part of the

mandatory background check before approval or renewal of the license.

Senator Fred Akshar said, “Make no mistake, I was a strong supporter of the Constitution and the 2nd Amendment long before I became Senator and always will be, but I will never be a politician that blindly makes decisions on issues without consulting the people I serve. I wouldn't be doing my job properly if I didn't take the public's temperature on certain issues no matter how divisive they may seem. With downstate Democrats now controlling all three branches of government, it's more important than ever to let the people I represent be heard on these proposals.”

The survey, posted on [Akshar.NYSenate.Gov](http://Akshar.NYSenate.Gov) drew nearly 6,000 total responses from residents in the 52nd Senate District, across New York State and various states around the country.

The results showed:

- Within the 52nd Senate District, 79% of respondents opposed the proposal, 21% supported it.
- Outside of the 52nd Senate District, New York respondents opposed the measure 97% to 3%.
- In giving a reason for opposition, the majority of respondents felt the legislation was an invasion of privacy and unconstitutional.

“This legislation, even if it's well-intentioned, violates the 1st, 2nd and 4th amendments of the constitution,” said Akshar. “It's a perfect illustration of government overreaching into the

personal privacy of New Yorkers. I've long said that we must have a reasonable and robust conversation on utilizing common-sense measures to protect our communities from senseless and hateful violent acts, but we must do so without violating the law-abiding people's constitutional rights to privacy, free speech and to protect themselves.”

Akshar plans on introducing or cosponsoring several bills to help address gun violence and underlying mental health issues that are at the root of many of the recent tragedies.

“It's not responsible to simply say 'No!' to misguided proposals without offering better solutions. We need to crack down on illegally obtained weapons and address the mental health services crisis facing both our state and our nation.” said Akshar.

Akshar's proposals for the coming Legislative Session include:

**Increased Penalties for Criminal Use and Possession of a Firearm:**

- Akshar will pursue authoring legislation to bolster the penalties for the crimes of Criminal Use of a Firearm and Criminal Possession of a Firearm.

**Increasing Access to School-Based Mental Health Services:**

- Akshar will introduce legislation to create a New Mental Health Services Coordinator Aid Program for the state to reimburse school districts outside the city of New York for mental health services.
- Schools would be eligible for \$50,000 in state funding for the hiring of a mental health services coordinator.

- The coordinator would be a qualified mental health services professional whose role and responsibility would be to work with students, faculty, and other mental health and health care professionals to identify, report, and address mental health issues that could pose a risk to public safety in any public or non-public school.

### **Expanding Kendra's Law**

Akshar currently cosponsors a bill to expand Kendra's Law, which connects certain individuals suffering from mental illness (specifically violent individuals who have been issued assisted outpatient treatment orders) to involuntary outpatient services they need by granting judges the authority to issue orders that require people who meet certain criteria to regularly undergo psychiatric treatment.

The original bill was named for Kendra Webdale, who was pushed into the path of an oncoming subway train by an individual diagnosed with schizophrenia but off medication.

The expansion would not only make Kendra's Law permanent, but includes several provisions to enhance the current system of AOT including:

- Requiring an evaluation for AOT when mental health patients are released from inpatient treatment or incarceration so that people needing services do not fall through the cracks;
- Requiring follow-up on those who move during the AOT period to ensure that they receive their treatment;
- Requiring counties to notify the Office of Mental Health (OMH) when an assisted outpatient is missing and thereby unavailable for an evaluation as to whether he or she

continues to meet AOT criteria;

- Requiring the Commissioner of OMH to develop an educational pamphlet on the AOT process of petitioning so that family members have information on how to file a report, and
- 'The addition of physicians, nurse practitioners and homeless shelter directors to the list of individuals who may institute an AOT petition.

## *q*

*“Protecting our communities from gun violence is not a Republican or Democrat issue,” said Akshar. “It’s about coming together, engaging in reasonable and responsible conversations and putting forth practical solutions and ideas to keep our families and communities safe.”*

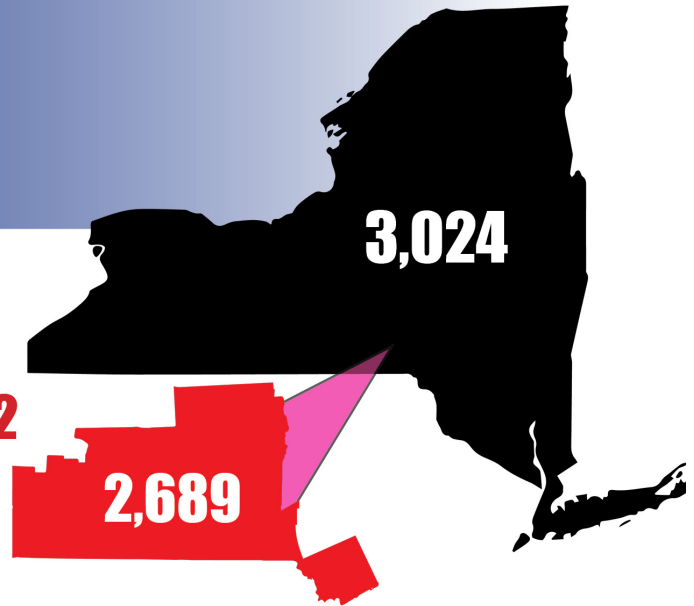
# Senator Fred Akshar's Survey Results

Nov. 27 - Dec. 12 2018

**5,700+ Total Responses**

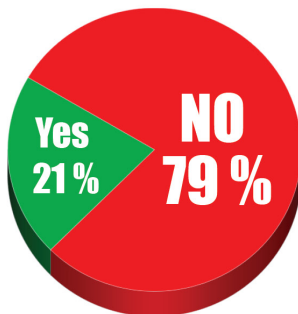
**2,689 from Senate District 52**

**3,024 from Outside SD 52**

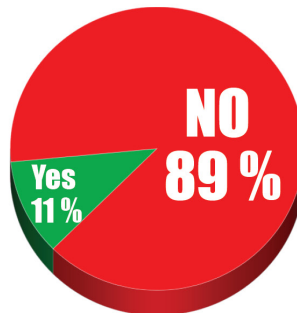


Do you support New York State requiring anyone applying for a license or renewing their license to carry or possess a pistol to submit to an investigation of their social media posts and search engine searches for the past 1-3 years as part of the mandatory background check?

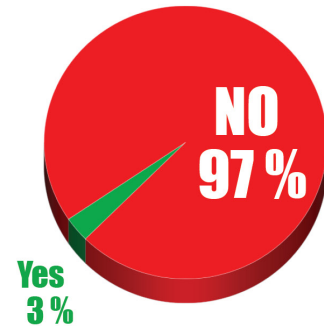
**Senate District 52**



**Total**

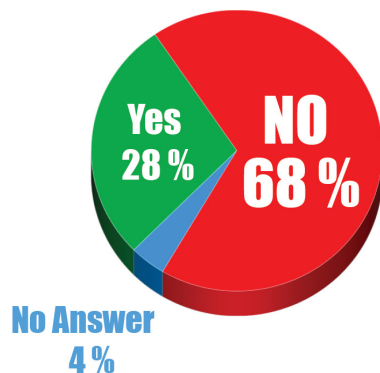


**Outside SD 52**



Would you support social media and search engine background checks for applications and renewals if the applicant did not have to provide his/her username and password?

**Senate District 52**



**Total**



**Outside SD 52**



## Full Survey Results

**Question: Do you support NY State requiring anyone applying for or renewing a license to carry or possess a pistol to submit to an investigation of their social media posts and search engine searches for the past 1-3 years as part of the mandatory background check?**

- 52nd Senate District (2,689 Responses)

- Yes 21%
- No 79%

- Broome County Only (1,707 Responses)

- Yes 22%
- No 78%

- Tioga County Only (552 Responses)

- Yes 21%
- No 79%

- Chenango County (399 Responses)

- Yes 17%
- No 83%

- Delaware County (31 Responses)

- Yes 19%
- No 81%

- Responses from New York State Residents Outside of the 52nd Senate District (3,024)

- Yes 3%
- No 97%

**Question: Would you support social media and search engine background checks for applications and renewals if the applicant did not have to provide his/her username and password?**

- 52nd Senate District (2,689 Responses)

- Yes 28%
- No 68%
- No Answer 4%



- Broome County Only (1,707 Responses)

- Yes 29%
- No 66%
- No Answer 5%

- Tioga County Only (552 Responses)

- Yes 25%
- No 71%
- No Answer 3%

- Chenango County (399 Responses)

- Yes 23%
- No 73%
- No Answer 4%

- Delaware County (31 Responses)

- Yes 32%
  - No 61%
  - No Answer 6%
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- Responses from New York State Residents Outside of the 52nd Senate District (3,024)
    - Yes 6%
    - No 93%
    - No Answer 1%

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#### RELATED LEGISLATION

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### **2017-S9191**

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- Introduced
  
- ◦ In Committee Assembly
  - In Committee Senate
  
- ◦ On Floor Calendar Assembly
  - On Floor Calendar Senate

- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
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Relates to requiring social media and search engine reviews prior to the approval of an application or renewal of a license to carry or possess a pistol or revolver

November 14, 2018

In Senate Committee [Rules](#)

Sponsored by [Kevin S. Parker](#)

Do you support this bill?