



NEW YORK STATE SENATOR

Brian Kavanagh

# **Paulin / Harckham Bill Requiring Extreme Risk Protection Orders for Gun Safety is Signed Into Law by Governor Hochul, and Paulin Seeks Passage of Additional Restrictive Gun Legislation with Senators Kavanagh and Cooney**

[Brian Kavanagh](#)

December 14, 2021

ISSUE:

- [Common Sense Gun Reform](#)

PRESS RELEASE For Immediate Release December 14, 2021

Paulin / Harckham Bill Requiring Extreme Risk Protection Orders for Gun Safety is Signed Into Law by Governor Hochul, and Paulin Seeks Passage of Additional

## Restrictive Gun Legislation with Senators Kavanagh and Cooney

Scarsdale, NY – Assemblymember Amy Paulin held a press conference today to discuss several stringent gun control bills she has authored, A837 (S. Waiting number), A449 (S. Waiting number) and A5455/S5026, which she will seek to pass in the upcoming New York State legislative session. She also announced the enactment into law of Chapter 586 Amd §29.15 Mental Hygiene Law, her Red Flag Extreme Risk Protection legislation with Senator Peter Harckham. “When a country with less than five percent of the world's population has nearly half of the world's privately owned guns and makes up nearly a third of the world's mass shootings, it's time to stop saying guns make us safer,” said Paulin. “We need to both work on changing the gun culture in our country and simultaneously pass legislation, such as these bills, which effectuate that change. And that’s what I’m here to do.”

“New York continues to be a leader in passing common-sense gun laws to protect our communities, but there is no question that there is more work to be done to prevent the gun violence crisis,” said Katherine Schowalter, a volunteer with the New York chapter of Moms Demand Action. “We are grateful for Assemblymember Paulin's continued focus on keeping families safe and will continue to fight alongside our leaders until every New Yorker is protected from gun violence.”

“The bills highlighted today will help to reduce gun violence in all of its forms and keep New Yorkers safe,” said Brady United President Kris Brown. “These policies take a comprehensive approach to reducing gun violence, including the essential step of properly regulating gun dealers to stop the flow of illegal firearms into communities. This supply side approach to reducing gun violence will help stem the tide of shootings that have spiked in New York and across the country, and especially help to reduce the number of firearms trafficked into communities most impacted by gun violence, including Black and Brown communities. Brady thanks Assemblymember Paulin for her leadership on this issue and urges the New York Assembly to pass these bills without delay.”

“With gun violence continuing to spike in New York and the NRA pushing for more guns in public, our New York State lawmakers must take action to strengthen our gun safety laws,” said Rebecca Fischer, Executive Director of New Yorkers Against Gun Violence. “Easy access to guns leads to more violence and tragedy. Assemblymember Paulin’s bills help keep guns away from individuals in crisis and ensure that gun dealers employ responsible practices and are held accountable. We

urge the legislature and the Governor to support these life-saving bills to make all New York communities safer.”

Restrictions on Gun Dealers A837, sponsored by Paulin in the Assembly and Brian Kavanagh in the New York State Senate, imposes stringent restrictions and practices on gun dealers with respect to record keeping and reporting of gun sales. Firearms, rifles and shotguns are used to kill almost 40,000 individuals in the United States every year, including 800 individuals in New York State alone. Additionally, there are 115,000 nonfatal injuries across the country. There is a thriving underground market for illegal firearms, largely driven by demand from drug gangs and other criminals. A highly efficient and continuous business practice exists in which firearms are moved from legal manufacture and sale to prohibited purchasers, making them illegal firearms.

“A substantial portion of illegal firearms are diverted to the illegal market through licensed gun dealers,” said Assemblymember Paulin. “Rogue gun dealers must be prevented from funneling guns to the illegal market through their current channels - one of the most common of which is straw purchases.” A straw purchase occurs when a person purchases a gun or ammunition on behalf of a prohibited person.

Specifically, this bill: (1) requires gun dealers to display and store weapons in a secure manner; (2) provides that guns may be sold only at the location listed on the dealer's federal firearms license or at gun shows; (3) requires that all dealer employees making retail gun sales must be at least 21 years of age and must receive adequate training; (4) provides that children may not enter premises where guns are sold unless accompanied by a parent or guardian; (5) requires gun dealers to maintain sales records and periodically submit them to the state police; and (6) requires gun dealers to establish internal compliance procedures, and to certify compliance on an annual basis.

The additional requirements set forth in this bill will help to reduce the diversion of firearms to the illegal market, and will also assist police departments, prosecutors and other law enforcement officials in their efforts to trace and recover illegal weapons.

“As we approach the 2022 legislative session we need to continue to focus on making every effort to prevent gun violence, especially by preventing guns from getting into the wrong hands,” said State Senator Brian Kavanagh. “A key part of

that is ensuring that gun dealers store and sell guns in a responsible manner. I look forward to working with my colleague and friend Assemblymember Paulin to enact legislation that will accomplish that, and I thank her for her leadership on these issues for so many years, and for bringing this bill to the forefront in the new session.”

10-day Waiting Period on Gun Deliveries A449, sponsored by Paulin in the Assembly and Jeremy Cooney in the New York State Senate, establishes a mandatory 10-day waiting period before a licensed gun dealer may deliver a firearm to a purchaser. This bill would create a "cooling off period" to prevent impulsive actions, including suicide. Studies confirm that most suicide survivors considered their actions for only a short period of time—often less than 24 hours—before making a suicide attempt. Research also shows that states with waiting period laws had 51% fewer firearm suicides than states without such laws.

“Waiting-period laws have been shown to reduce suicide, violent crime, and mass shootings, said Paulin. “They disrupt impulsive acts of violence and self-harm, giving angry or distraught buyers time to "cool off" or gain perspective. Imposing a longer waiting period is a commonsense measure that will prevent more tragedy at the other end of a gun.”

“We see it over and over again: horrific mass shootings, street shootings, domestic violence killings and suicides,” continued Paulin. “Too many families have been torn apart by the scourge of gun violence. The ripple effect of every incident is far-reaching and devastating. Sadly, these tragedies often have a familiar cause: A person had access to a weapon when they shouldn’t have.”

“Suicide is a form of gun violence. Since the start of COVID, we have seen mental health needs dramatically increase,” said New York State Senator Jeremy Cooney. “Correspondingly, we have seen attempts and completed suicide events increase. Establishing a short waiting period for firearms is a commonsense approach to community safety by reducing impulsive acts of gun use while also helping us address the increase in gun violence in Rochester and across the state. Public health research shows that states that require waiting periods have 51% fewer firearm suicides and 27% lower overall suicide rates than states without these laws. I am proud to carry this legislation in the Senate that will help protect New Yorkers and their families from the impact of violence and address gun safety.”

**Removing Guns from Homes with Family Violence A5455/S5026**, sponsored by Paulin in the Assembly and Peter Harckham in the New York State Senate, requires the removal of guns from homes where there has been reports of domestic violence.

The Safe Homes Act of 2020 provides police officers answering a domestic violence call the option to remove firearms in plain sight or discovered pursuant to a consensual or other lawful search. This legislation seeks to provide further protections to the victims by mandating police officers seize firearms in plain sight during a domestic violence call and any license to carry, possess, repair, and dispose of such weapon that is in the possession of any person arrested on the suspicion of such family offense. Additionally, this legislation calls for the return of such firearms and licenses not less than one hundred twenty hours after effecting such seizure. Such legislation is necessary to ensure that firearms do not return to dangerous hands before the courts have had sufficient time to file any necessary charges to protect such victims.

“As the former executive director of an agency serving domestic violence victims in Westchester County, I’ve seen first-hand the impact of guns on women,” said Paulin. “Guns are the number one weapon in domestic violence killings in the US – just owning a firearm makes an abuser 5x more likely to take a partner’s life. Inaction on this front is unacceptable. We must act to do everything we can to stop the gun violence that has claimed the lives of far too many of our family members, friends and fellow New Yorkers. That’s why I’m determined to pass this bill which removes guns from the homes of reported family violence.”

**Red Flag Extreme Risk Legislation** Paulin also announced today that Governor Hochul has signed into law critical, life-saving legislation that she sponsored in the New York State Legislature with Senator Pete Harckham, that requires mental health facilities to provide information about New York’s Red Flag Law and obtaining extreme risk protection orders for patients upon their discharge or conditional release.

Now enacted, the legislation, Chapter 586 Amd §29.15 Mental Hygiene Law, is effective immediately.

“Gun violence and their ensuing tragedies cannot continue to be par for the course in this country. New York’s Red Flag Law was a necessary action to allow courts to

order the temporary seizure of firearms from people believed to pose a danger to themselves or others,” Paulin said. “Now that Governor Hochul has signed this bill into law, patients and their representatives will automatically receive materials informing them of New York’s Red Flag Law prior to their discharge from a mental health facility. This logical requirement will help minimize risks and ensure the safety of our loved ones and neighbors.”

“Supplying concerned family members and others with information on an extreme risk protection order when a patient with a mental health diagnosis is released from a care facility will definitely save lives in the years to come,” Harckham said. “This is a common-sense safeguard that will offer families throughout the state deserved peace of mind. I am grateful for Assemblymember Paulin’s work on the bill, and thank Governor Hochul for signing it into law. In certain circumstances invoking the Red Flag Law is a step that should not be overlooked.”

“I would like to thank Assemblymember Paulin for her effective and persistent advocacy on behalf of gun violence victims and their families,” said County Legislator Ruth Walter. “When our shared constituent, Dr. Jason Thoms reached out to me almost two years ago in January 2020, he was looking for answers to the tragedy that befell his family. Why was his wife Treva, who had just been discharged from a mental health facility, able to legally purchase the gun that she used to complete suicide? Both Dr. Thoms and I were shocked to learn of this legal loophole. I knew that Assemblymember Paulin was the legislator in Albany to reach out to for a solution. In response to this story, she was able to advocate for the passage and signing of the Red Flag Notification bill (A.1005A / S.5434A). Over many months in 2021, she worked with her colleagues to make this the most effective bill and another tool in New York State’s gun safety and suicide prevention toolkit. This law mandates notification that an extreme risk protection order can be sought for those who have just been released from mental health care. Its passage will prevent other families from experiencing the same pain as Dr. Thoms and his three children. Thank you to Dr. Thoms and his children, Wilyem, Alekz and Izaak, for their willingness to share Treva’s story and honor their mother’s legacy through advocating for this important legislation, I would also like to commend Assemblymember Paulin on her three other gun violence prevention bills with Senator Harckham (A.5455/S.5026), Senator Kavanagh (A.837), Senator Cooney (A.449).”

Enacted two years ago in New York State, the Red Flag Law, also known as the Extreme Risk Protection Order law, prevents individuals who show signs of being a

threat to themselves or others from purchasing or possessing any kind of firearm. This law was put into effect with the hope of preventing mass shootings, domestic incidents, suicides and other tragedies, all of which continue to afflict our country.

Right after the Red Flag Law was put in place, a Westchester woman, Treva Foss Thoms, voluntarily checked herself into a mental health facility, and after being discharged purchased a gun and committed suicide. After her death, Treva's husband contacted County Legislator Ruth Walter, unable to understand why his wife was able to purchase a firearm in the first place, being that she'd been recently hospitalized.

Sadly, Treva's family had no previous knowledge of the Red Flag Law. Her husband, Dr. Jason Thoms, said, "I assumed that there was no way that my wife, given that she had just been released from a mental services facility where she resided for several months, would have the ability to purchase a gun. If I had known about the existence of the Red Flag Law and the ability to obtain an extreme risk protection order," continued Thoms, "I would have secured one for my wife, and she might still be here with us today."

"Providing such notice will help prevent future tragedies and ensure that patients and their families are made aware of the options that are available if they have concerns about the safety of their loved ones," Paulin added. "Guns must be kept away from those who are a threat to themselves or others." State Assemblymember Amy Paulin represents New York's 88th Assembly District, which includes the towns and villages of Eastchester, Pelham and Scarsdale; the villages of Bronxville, Pelham Manor and Tuckahoe; and parts of the cities of New Rochelle and White Plains in Westchester County.