



NEW YORK STATE SENATOR

Sean M. Ryan

Senator Sean Ryan And Senate Majority Pass Legislation And Constitutional Amendment To Address Supreme Court Decisions Impacting Gun Laws And Abortion Access

SEAN M. RYAN July 1, 2022

| ISSUE: **NYS SENATOR SEAN RYAN, NYS SENATE DISTRICT 60, GUN SAFETY, EQUAL RIGHTS AMENDMENT**



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Senate Passes Comprehensive Gun Safety Bill in Response to Supreme Court's 'Proper Cause' Ruling and Equal Rights Constitutional Amendment to Protect Access to Reproductive Healthcare as Well as Sexual Orientation, Gender Identity, and Gender Expression

Legislation Also Clarifies Body Armor Restrictions

ALBANY – Today, July 1, 2022, New York State Senator Sean Ryan announced that the Senate Majority has advanced legislation to improve gun safety in the wake of the U.S. Supreme Court's ruling to overturn New York's "proper cause" concealed carry law last week, as well as an Equal Rights Constitutional Amendment to protect access to reproductive healthcare, sexual orientation, gender identity, and gender expression.

The omnibus gun safety bill includes measures to keep firearms out of public gathering areas and keep deadly weapons and body armor out of the hands of dangerous individuals. While the Supreme Court struck down the law requiring an individual to demonstrate proper cause in order to obtain a license to carry a concealed firearm, it did not preclude New York from establishing reasonable requirements to possess a firearm.

The bill responds to the Supreme Court's decision in part by strengthening the licensing requirements that an applicant must meet in order to obtain a concealed carry firearms license. It also protects New Yorkers from gun violence by restricting the carry of firearms in a list of "sensitive locations" and on private property where weapons have not been specifically authorized by the owner. Additionally, it expands New York's safe storage law to keep guns away from children and prevent gun thefts from vehicles.

The Senate Majority also took action to expand the recently passed law to restrict the sale of body armor to those who require it for their profession. The restrictions now apply to any personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

The Equal Rights Constitutional Amendment passed today adds several protected classes to the State Constitution, including ethnicity, national origin, age, disability, sex, sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy. These new categories join race, color, creed, and religion, which are already protected under the State Constitution. The inclusion of these new categories will ensure that all New Yorkers are fully protected from any state law that may infringe upon their rights.

New York's Constitution already guarantees equal protection under law, but its scope is narrow. Article I, § 11, prohibits only race- and religion-based discrimination, so it fails to account for other areas where the State has a compelling interest in fighting inequality. In the wake of the Supreme Court's *Dobbs v. Jackson Women's Health Organization* decision, the Equal Rights Amendment to the New York State Constitution will ensure broader, stronger protections, in particular for abortion rights and marriage equality. If future legislatures or Governors in New York try to roll back New Yorkers' rights, this amendment will stand in the way.

Senator Sean Ryan said, "In just the last week, we have seen an activist Supreme Court take our nation backwards when it comes to gun safety and protections for reproductive choice. In response, New York State is once again leading the way and taking bold action to keep New Yorkers safe, and ensure women have access to safe and legal abortion healthcare. For decades, New York's strict gun laws have ensured that our state routinely has one of the nation's lowest rates of gun deaths. Last week's Supreme Court ruling put our history of gun safety in jeopardy. Parents shouldn't have to worry about who's armed with a deadly weapon when they take their kids to the playground. The bill we passed takes a holistic approach by implementing a number of common-sense regulations to keep New Yorkers safe. It will help prevent gun crime and accidental shootings, and ensure our state remains among the nation's leaders in gun safety. Our new Equal Rights Constitutional Amendment will protect access to abortion and marriage equality. We will stand up to the radical majority on the Supreme Court and protect hard-fought rights of all New Yorkers."

More detail about the gun safety legislation passed today can be found below.

Amending the application process for carry concealed licenses:

- Provides a specific definition for "good moral character" (an existing condition required for eligibility to carry concealed): "the essential character, temperament and judgment necessary to be entrusted with a weapon" and to use it safely
- Significantly strengthens the mandatory firearms safety course for carry concealed permits, including live-fire range training
- Requires an applicant for a carry concealed permit to meet in person with a licensing officer for an in-person interview
- Disqualifies applicants who have been convicted of assault in the third degree, misdemeanor driving while impaired, or menacing within the previous five years

Restricting the carry of firearms in “sensitive locations” and on private property where weapons have not been specifically authorized, and establishing of Class E felonies for offenders:

A sample of sensitive locations:

- Federal, state, or local government buildings
- Locations providing healthcare or medical care
- Places of worship or religious observation
- Schools and other places where children gather
- Places used for public transportation
- Establishments where alcohol or cannabis is consumed
- Polling places
- Educational institutions
- Event spaces (e.g. theaters, stadiums, museums, amusement parks)
- Any gathering of individuals who are collectively expressing First Amendment rights of protest or assembly

Expanding New York’s safe storage laws:

- Raises the age limit to require guns to be safely stored in the home if a person under the age of 18 lives in the home or if a person legally disqualified from possession of a gun lives in the home
- Implements a vehicle safe storage requirement so that a person cannot leave a gun in a car outside of his or her immediate possession or control unless the gun is in a lockbox

Expanding body armor restrictions:

- Amends the recently passed statutes enacting criminal penalties for the unlawful wearing and unlawful purchase and sale of body vests by changing the word “vest” to “armor” throughout
- Establishes a definition for body armor, which will now be defined as any product that is a personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment

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