

## **S.2230 OMNIBUS PUBLIC SAFETY LEGISLATION**

**The Legislation expands oversight and in some cases, restrictions, on firearms which are currently legal to be possessed and transferred by NY residents.**

- ❖ **Database of Pistol Permits, currently maintained by the separate counties and shared with the state police, will now be sent to the State Police entered into a uniform database**

- The new database is not a public record will **not** be subject to FOIL.
- The cost of the database will be paid by State.

- ❖ **Assault Weapon Ban**

- The definition of assault weapon will be expanded to include rifles such as the AR-15 style, shotguns and pistols which have one prohibited feature of an assault weapon (a pistol grip, a folding stock, a flash suppressor, or a bayonet lug, etc.)
- The definition excludes pistol grip shotguns.
- Pre-1994 assault weapons and now pre-2013 guns (covered by the expanded definition of assault weapons) must be **registered** with State Police. Owners have one year to register.
  - Registration will trigger a NY NICS check, which will search for federal disqualifiers for the possession of any gun, as well as utilize any mandatory reporter information for NY residents.
  - Intentional failure to register a legally owned "assault weapon" is a class A misdemeanor. Unintentional failure of such will result in 30 days to apply to register or surrender, and failure to comply with such will result in weapon being removed.
  - Knowing possession of an unregistered pre-1994 or pre-2013 ban "assault weapon" is a class E felony.
  - Exemption for possession, transfer, purchase of relics and curio weapons that might otherwise qualify as "assault weapons".

- ❖ **Pistol Permits**

- A uniform application will be created including federal disqualifiers. Criminal background / mental incapacity/ danger themselves / others to comport with the Federal NICS check.
- Presently no renewal requirement, except in New York City, Nassau and Suffolk. Westchester has a recertification requirement that requires you to confirm address and weapons.
- **There will be no new renewal requirements, but you will be required to recertify every 5 years to the State Police that the information contained in the application is still accurate. Permit holders will be required to confirm the address, date of birth, and other identifying information, and that the firearm(s) on your license are the weapons you possess.**
- The recertification requirement will be noticed to the current pistol licensees at State expense to anyone who has not recertified as the deadline approaches.

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- Locals officials will still decide who gets a pistol permit, and State Police cannot revoke a pistol license for lack of recertification, but Counties could receive a notice from State Police that a person has not recertified.
- Counties now must wait for fingerprints from FBI before issuing permit.
- Permit holders can opt out of disclosure of their information prior to FOIL and keep their information private.
- ❖ **Mental Health**
  - No firearms to those with mental incapacity or are a danger to themselves and others.
  - Mental health professionals will have mandated reporting.
  - NY specific database (NY-NICS) to check whether a person is disqualified from purchase for purchase of ammunition or the registration of a weapon, which is not authorized to check the federal NICS database. This database will also include the mandated reporting reports of mental health providers, which is a NY-only requirement.
- ❖ **Private transfers**
  - All sales must be facilitated through a licensed dealer for purposes NICS check – (up to \$10 fee authorized for purposes of the NICS check).
    - Transfer for Spouse and Children will still occur privately.
  - Failure to follow the new requirements for out of state sale of legally owned pre-ban “assault weapon” and/or pre-ban high capacity magazine is a class A misdemeanor.
- ❖ **Ammo**
  - Limit the number of rounds in a magazine to 7.
    - Current law magazine limit of 10 rounds. Could still possess the 10 round magazine but can load no more than 7 rounds.
    - Future manufactured magazines must have a 7 round capacity.
    - Possession of a legally owned 10-round clip with more than 7 rounds a class A misdemeanor (however, possession of excess rounds at home is only a violation and fine).
  - Require out of state disposal within one year of pre-1994 banned magazines in excess of 10 rounds unless permanently altered to only accept 7 rounds.
  - Purchase of ammunition will require a NY NICS to determine the person is not disqualified from possessing a gun – person must present a Pistol Permit or driver’s license.
  - All internet sales must go through licensed FFL for purposes of conducting a NY NICS check.
- ❖ **Requires all sellers of ammunition – who are not licensed gun dealers - be registered**
  - Must keep electronic records which State Police may access.
  - The sale of ammunition records will only be kept for one year and will be destroyed.
  - Failure to keep records as required will be a Class A misdemeanor.

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### **❖ Safe Storage**

- A person who shares a household with one who has mental health issues, a convicted felon, or currently under an order of protection, must safely store all weapons when not in their immediate possession.
- Failure to safely store will be a class A misdemeanor.

### **Illegal Guns- Across the board increases in penalties for possession or committing crimes with illegal weapons.**

- Increase the penalty for possession of an unloaded illegal pistol to an E Felony from an A misdemeanor.
- New C violent felony and 5 year mandatory minimum for possession of a loaded firearm during any drug sale and all violent felonies.
- New D violent felony and mandatory minimum of 3.5 years for possession of an unloaded firearm during any drug sale and all violent felonies.
- **School Grounds**
  - Increase penalties for illegal gun possession on school grounds or buses from the current A Misdemeanor to an E Felony.
- **RICO Statute for Gangs**
  - Amend the RICO statute to allow prosecutors to go after gangs based upon crimes committed with weapons, or straw purchases.
- **Injuring a Child**
  - Increase penalties for reckless injury to a child with an illegal weapon from the current A misdemeanor to a D violent felony.
- **Community Guns – Senator Golden**
  - Expand criminal facilitation to include community guns often used by gangs and stored in areas where gang members have easy access.
- **Increased penalties for “Straw” purchasers.**
  - Defined as someone who purchases a gun with the intent to transfer the firearm to an unqualified person would now be guilty of a D felony. It is currently an A misdemeanor

### **❖ Marks Law – (Sen. Ritchie bill)**

- Increases the penalty for murder of an emergency responder in the line of duty to Murder in the First degree and Aggravated Murder with a mandatory sentence of Life without Parole.

### **❖ Kendra’s Law – Allows Court to order treatment of a person who has not sought treatment for serious mental illness that poses threat to public or self.**

- Increase the maximum possible initial treatment period to 1 year from the current 6 months.
- Require evaluation for continued treatment prior to an Assisted Outpatient Treatment Order expiring.

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- Require evaluation of a DOCS inmate prior to discharge from a hospital operated by the Office of Mental Health.
- Ensure that services continue to be provided when a recipient moves between counties.
- Extends the sunset date two years, from the current expiration of June 30, 2015 to June 30, 2017.

### **❖ Mandatory Reporting**

- If a treating mental health professional determines that a patient poses a serious risk to self or others, the professional must report the patient to a Director of Community Services (county head of mental hygiene services). If the DCS agrees with the assessment, he or she shall provide identifying, non-clinical information to the Division of Criminal Justice Services (DCJS). DCJS must then provide such information to local licensing authorities, which will suspend any valid pistol permit. Patients will also be required to surrender all firearms to local law enforcement.

### **❖ School Safety Task Force**

- There shall be teams composed of stakeholders in Executive Agencies (i.e. Division of Homeland Security and Emergency Services, the Division of the State Police, the Division of Criminal Justice Services, and the State Education Department) to review and assess school safety plans. Plans may be submitted by school districts and BOCES. The Teams shall be tasked with evaluating and offering constructive responses to districts. Additionally funding will be made available for capital expenditures related to school safety.