



## NEW YORK STATE LEGISLATURE

October 12, 2023

Governor Kathy Hochul  
2nd Floor  
State Capitol Building  
Albany NY, 12224

Dear Governor Hochul:

As you are aware, as of September 13, licensed gun dealers are required to run background checks for ammunition sales and Federal NICS background checks for firearms must be run through the State Police. Since this new system went into effect, we have heard repeated reports of law-abiding New Yorkers experiencing significant delays or unwarranted denials when seeking to lawfully obtain firearms or ammunition. As violent crime continues to plague our state, we are concerned that the state is wasting taxpayers' money on this problematic and unconstitutional process rather than investing in law enforcement to target illegal gun crimes.

We have strongly opposed background checks on ammunition purchases since this ill-conceived idea was included in the SAFE Act in 2013. As your predecessor acknowledged in 2015, the system required to perform these background checks was not technologically feasible. Despite the impracticality of the background check requirement for ammunition purchases, you opted to invest taxpayer money in the creation of a system to be used to run intrusive and unnecessary background checks for ammunition purchases and further burden the State Police by requiring them to run Federal NICS checks, rather than duly licensed gun dealers.

The background check process has, as predicted, proven to be a failure which has resulted in the deprivation of a fundamental Constitutional right. Responsible gun owners, after paying a mandatory fee, are continually facing significant and undue burdens when trying to exercise their Second Amendment rights. Prior to this requirement, there were no barriers to purchasing ammunition and Federal NICS background checks for firearms were nearly instantaneous. With the implementation of the new background check process, New Yorkers are experiencing lengthy delays, sometimes hours or even days, before being approved and in some cases, are being denied, even if they are lawfully able to purchase and possess firearms or ammunition.

Our constituents have also expressed concerns about the security of the personal data being transmitted to and maintained by the State Police as part of the background check process. Purchasers must provide identifying information, including social security number and date of birth. Consumers are concerned, in this time when cybersecurity attacks are so common, that this information is not being safely secured. This misguided requirement has not only impacted lawful gun owners across the state, but has also further burdened firearms dealers in this state.

The background check system created by the State requires more information than the Federal NICS system and applications take longer to fill out, forcing dealers to spend more time on a single transaction that might ultimately be wrongfully denied. Additionally, dealers are losing business of ordinarily loyal customers to firearms dealers in neighboring states that do not have the onerous and intrusive background check requirements for ammunition.

The State of New York has consistently prioritized the comforts of criminals over the rights of law-abiding citizens. This faulty program has been an abject failure and, as a result, has infringed the constitutional rights of thousands of New Yorkers. On behalf of the thousands of gun owners across our state, we are strongly urging this program be shelved and our constituents be able to exercise their constitutional freedoms.

Sincerely,

Handwritten signature of Robert G. Ort in black ink.

Robert G. Ort  
62nd Senate District

Handwritten signature of Michael J. Norris in black ink.

Mike Norris  
144th Assembly District