

Draft Resolution No. 0154 February 19, 2013

Opposing The Process Of Enactment And Certain Provisions Contained Within The New York SAFE Act

Referred to: The Law Enforcement and Public Safety Committee (Chairman Richard Parete and Legislators Belfiglio, Ronk, Briggs and Maio)

Legislators Belfiglio, Bernardo, Fabiano, Gerentine, Harris, Lopez, Maio, Maloney, Roberts, Ronk and Wawro offer the following:

WHEREAS, the right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States Constitution; and

WHEREAS, the right of the people to keep and bear arms for defense of life, liberty, and property is regarded as an inalienable right by the people of Ulster County; and

WHEREAS, the lawful ownership of firearms is, and has been, a valued tradition in Ulster County, and the rights protected by the Second Amendment to the United States Constitution are exercised by many of our residents; and

WHEREAS, the people of Ulster County derive economic and environmental benefits from all safe forms of recreation involving firearms, including, but not limited to, hunting and target shooting while utilizing all types of firearms available under the Constitution of the United States; and

WHEREAS, members of the Ulster County Legislature, being elected to represent the people of Ulster County, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, members of the New York State Assembly and the New York State Senate, being elected by the people of New York State, are duly sworn by their oath of office to uphold the Constitution of the United States; and

WHEREAS, the enactment of the NY SAFE Act (Chapter 1 of the Laws of 2013) has engendered significant controversy over both the process by which it was enacted and certain provisions contained within it; and

WHEREAS, it is our understanding that many State Legislators had less than an hour to read the legislation, which contained approximately twenty-five thousand words, before being forced to vote on it; and

WHEREAS, having reviewed the legislation and time constraints, it is our conclusion that there is no possible way any individual could have read the entire bill and understood its full implications prior to voting on it; and

Draft Resolution No. 0154 February 19, 2013

**Opposing The Process Of Enactment And Certain Provisions
Contained Within The New York SAFE Act**

WHEREAS, our State Legislators most certainly could not have had the time to request, and receive, the input of their constituents regarding this matter; and

WHEREAS, seeking and considering, such public input is a standard to which we hold ourselves in the Ulster County Legislature; and

WHEREAS, this legislation has 60 sections, of which only three take effect immediately; and

WHEREAS, in our opinion, there was no reason for the Governor to use a message of necessity to bring this bill to vote immediately and bypass the three day maturing process for all legislation; and

WHEREAS, the mishandling of the process in crafting the NY SAFE Act resulted in complex policy changes, many of which have been left up to interpretation, and are confusing even to the State Legislators who voted on them, and the law enforcement officials who are required to enforce and explain them; and

WHEREAS, requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on their permits, which now also must be renewed every 5 years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

WHEREAS, there will be a significant financial impact due to the approximately 20,000 Ulster County permits that will have to be renewed requiring additional manpower and computer systems; and

WHEREAS, this legislation prohibits the sale of firearm magazines with a capacity larger than seven rounds; and

WHEREAS, those firearm magazines with a capacity larger than seven rounds, which are authorized to be retained by existing owners, may only be loaded with seven rounds and eventually must be permanently altered to only accept seven rounds or be disposed of, thus constituting a seizure of legally owned personal property with no provision for compensation; and

WHEREAS, few or no low capacity (7 rounds or less) magazines currently exist for many of the firearms commonly possessed by law-abiding residents of New York State; and

Draft Resolution No. 0154 February 19, 2013

Opposing The Process Of Enactment And Certain Provisions Contained Within The New York SAFE Act

WHEREAS, limiting the number of rounds to seven versus ten is arbitrary and capricious, has no correlation to public safety, unfairly burdens law-abiding gun owners, and puts an undue burden on gun manufacturers to retool their manufacturing plants; and

WHEREAS, the only persons who will comply with the new high-capacity magazine ban are law-abiding citizens, leaving the same high-capacity magazines in the hands of those who choose not to obey the law; and

WHEREAS, requiring documentation of all ammunition sales in New York State, as provided for in this legislation, is a significant unfunded mandate on business; and

WHEREAS, the New York State Combined Ballistic Identification System, which wasted \$44 million in taxpayer money and resulted in zero convictions, illustrates the propensity of government to waste taxpayer resources when legislation is not properly reviewed; and

WHEREAS, Governor Cuomo has proposed spending \$36 million dollars in his 2013-2014 Executive budget for the implementation of the NY SAFE Act at a time when New York State residents are crying out for tax relief; and

WHEREAS, this legislation severely impacts the possession and use of firearms now employed by the residents of Ulster County for defense of life, liberty, and property; and

WHEREAS, this legislation severely impacts the possession and use of firearms now employed for safe forms of recreation including, but not limited to, hunting and target shooting; and

WHEREAS, Ulster County Sheriff Paul Van Blarcum has said “the state already has laws prohibiting individuals from possessing fully automatic rifles, along with limitations on high-capacity magazines for ammunition”; and

WHEREAS, Ulster County Sheriff Paul Van Blarcum has said that he “does not believe there needs to be any change to current gun-control laws because it’s not the honest people who commit crimes”; and

Draft Resolution No. 0154 February 19, 2013

Opposing The Process Of Enactment And Certain Provisions Contained Within The New York SAFE Act

WHEREAS, while there are some areas of the legislation that the Ulster County Legislature finds encouraging, such as addressing glaring shortcomings in the mental health system, the strengthening of Kendra's Law and Mark's law, as well as privacy protections for certain of pistol permit holders, by-and-large, we find the legislation does little more than negatively impact lawful gun ownership; and

WHEREAS, this legislation fails to offer any meaningful solutions to gun violence and places increased burdens where they do not belong, squarely on the backs of law-abiding citizens; and

WHEREAS, this legislation effectively turns countless New York State law-abiding gun owners into criminals; and

WHEREAS, the manner in which this legislation was brought forward for vote in the State Legislature is deeply disturbing to the Ulster County Legislature, now, therefore, be it

RESOLVED, that the Ulster County Legislature does hereby oppose, and request the repeal of, any legislation, including the sections within the NY SAFE Act (Chapter 1 of the Laws of 2013), which infringe upon the right of the people to keep and bear arms; and further be it

RESOLVED, that the Ulster County Legislature considers such laws to be unnecessary and beyond lawful legislative authority granted to our State representatives; and further be it

RESOLVED, that the Ulster County Legislature strongly encourages members of the New York State Legislature to hold public hearings to address the issue of gun violence in a way that will produce meaningful results; and further be it

RESOLVED, that the Ulster County Legislature requests the members of the New York State Senate and Assembly who represent all, or part of, Ulster County to reply, in writing, with their views on, and actions taken, in support of, or opposition to, the NY SAFE Act; and further be it

Draft Resolution No. 0154 February 19, 2013

**Opposing The Process Of Enactment And Certain Provisions
Contained Within The New York SAFE Act**

RESOLVED, that a copy of this resolution be sent to President Barack Obama, Vice President Joseph Biden, Governor Andrew Cuomo, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Chris Gibson, New York State Senators James Seward, John J. Bonacic, William J. Larkin, Jr. and Cecilia Tkaczyk, Assembly Speaker Sheldon Silver, New York State Assemblymembers Kevin A. Cahill, Claudia Tenney, Frank K. Skartados, and Peter Lopez,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE

AYES:

NOES:

Passed Committee: Law Enforcement and Public Safety on _____.

FINANCIAL IMPACT:

NONE

0154