

RESOLUTION NO. 2013082

RE: OPPOSING THE PROCESS OF ENACTMENT AND CERTAIN PROVISIONS
CONTAINED WITHIN THE NEW YORK SAFE ACT

Legislators WEISS, FORMAN, HORTON, INCORONATO, KELSEY, TRAUDT, ROLISON, BORCHERT, FLESLAND, BOLNER, HUTCHINGS, MICCIO, ROMAN, SERINO, SURMAN, THOMES, and WILKINSON offer the following and move its adoption:

WHEREAS, December 14, 2012, in Newtown, Connecticut, was a watershed moment in American life. The thought that young children were not safe from harm while attending their first grade class should be a call to action in our society; and

WHEREAS, this call to action should start with dialogue among the affected members of our society and should focus on the primary issues revolving around this tragedy, namely school security, mental health and the access to weapons that are currently available to the mentally ill; and

WHEREAS, shortly thereafter and partly in response to this tragedy, Chapter 1 of the Laws of 2013, known as the New York Secure Ammunition and Firearms Enforcement (NY SAFE) Act was adopted after minimal public discussion or input from stakeholders; and

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

WHEREAS, 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, the expedited process of crafting the NY SAFE Act completely circumvented the transparency that the residents of Dutchess County and the State of New York are entitled to with respect to such a complex issue and has resulted in complex policy changes, many of which have been left up to interpretation; and

WHEREAS, the passage of the NY SAFE Act will have a detrimental effect on hunters, sportsmen and legal gun owners; and

WHEREAS, the NY SAFE Act expressly states that no costs of the law should be borne by the local governments, however many Dutchess County Departments, such as the Department of Mental Hygiene, the Dutchess County Clerk and the Dutchess County Sheriff's Office will experience increased workload and costs associated with the new requirements that the law creates; and

WHEREAS, the United States Supreme Court in the matter of the *District of Columbia v. Heller*, 554 US 570 (2008) found that an individual's right to keep and bear arms was inherent in the language of the Second Amendment to the United States Constitution confirming that states and federal districts may not take unreasonable steps to deny the Second Amendment right to citizens of the United States through onerous permitting processes; and the United States Supreme Court in *McDonald v. Chicago*, 561 US 325 (2010) held that the Second Amendment was binding on the States and that the right of an individual to keep and bear arms was protected by the Second Amendment and incorporated by the due process clause of the Fourteenth Amendment; and

WHEREAS, there are some areas in the NY SAFE Act Legislation that the Dutchess County Legislature finds encouraging, such as addressing the primary short comings of the mental health system, the strengthening of Kendra's Law and Mark's Law, as well as privacy protections for pistol permit holders, however the legislation negatively impacts local gun ownership; and

WHEREAS, the Legislation fails to offer any meaningful solution to the gun violence that it was intended to address and places increased burdens where they do not belong, upon law abiding citizens; now, therefore, be it

RESOLVED, that the Dutchess County Legislature on behalf of all the people of Dutchess County strongly encourages members of the New York State Legislature to hold public hearings to address the impact of this new law and the issue of gun violence in a way that will produce meaningful results; and be it further

RESOLVED, that the Dutchess County Legislature calls upon the New York State Legislature and Governor Andrew M. Cuomo to work with counties to repeal and revise the NY SAFE Act in order to address concerns expressed herein; specifically limiting or eliminating any additional cost to county government, and be it further

RESOLVED, the Clerk of the Dutchess County Legislature is hereby authorized and directed to forward copy of this Resolution to Governor Andrew M. Cuomo, Senate Temporary President and Majority Coalition Leader Dean Skelos, State Senators Greg Ball and Terry Gipson, Assembly Speaker Sheldon Silver, New York State Assemblymembers, Kevin Cahill, Kieran Michael Lalor, Frank Skartados and Didi Barret.


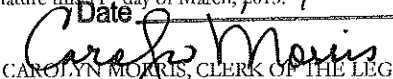
STATE OF NEW YORK

COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on this 11th day of March, 2013, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 11th day of March, 2013.

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
3/21/2013
Date

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Public Safety Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*		1
District 3 - Town of LaGrange	Borchert*		2
District 6 - Town of Poughkeepsie	Flesland*		3
District 10 - City of Poughkeepsie	Jeter-Jackson*	1	
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery*	2	
District 1 - Town of Poughkeepsie	Doxsey	3	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Wilkinson (VC)		4
District 4 - Town of Hyde Park	Serino		5
District 5 - Town of Poughkeepsie	Roman (C)		6
District 12 - Town of East Fishkill	Weiss		7
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Blalock	4	
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		8

Present: 12 Resolution: Total: 4 8
 Absent: 0 Motion: ✓ Yes No
 Vacant: 0 Abstentions:

- 2nd Resolve change
 DB amend / JD repeal to amend
 defeated

2013082
 3.7.13

Public Safety Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	1	
District 3 - Town of LaGrange	Borchert*	2	
District 6 - Town of Poughkeepsie	Flesland*	3	
District 10 - City of Poughkeepsie	Jeter-Jackson*		1
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery*	4	
District 1 - Town of Poughkeepsie	Doxsey	5	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Wilkinson (VC)	6	
District 4 - Town of Hyde Park	Serino	7	
District 5 - Town of Poughkeepsie	Roman (C)	8	
District 12 - Town of East Fishkill	Weiss	9	
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Blalock		2
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes	10	

Present: 12
 Absent: 0
 Vacant: 0

Resolution: ✓
 Motion:

Total : 10 2
 Yes No
 Abstentions:

2013082 OPPOSING THE PROCESS OF ENACTMENT AND CERTAIN PROVISIONS CONTAINED WITHIN THE NEW YORK SAFE ACT

Date: March 7, 2013

Public Safety Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*	<input checked="" type="checkbox"/>	<input type="checkbox"/>
District 3 - Town of LaGrange	Borchert*	<input type="checkbox"/>	<input type="checkbox"/>
District 6 - Town of Poughkeepsie	Flesland*	<input type="checkbox"/>	<input type="checkbox"/>
District 10 - City of Poughkeepsie	Jeter-Jackson*	<input type="checkbox"/>	<input type="checkbox"/>
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery*	<input type="checkbox"/>	<input type="checkbox"/>
District 1 - Town of Poughkeepsie	Doxsey	<input type="checkbox"/>	<input type="checkbox"/>
District 2 - Towns of Pleasant Valley and Poughkeepsie	Wilkinson (VC)	<input type="checkbox"/>	<input type="checkbox"/>
District 4 - Town of Hyde Park	Serino	<input type="checkbox"/>	<input type="checkbox"/>
District 5 - Town of Poughkeepsie	Roman (C)	<input type="checkbox"/>	<input type="checkbox"/>
District 12 - Town of East Fishkill	Weiss	<input type="checkbox"/>	<input type="checkbox"/>
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Blalock	<input type="checkbox"/>	<input type="checkbox"/>
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes	<input type="checkbox"/>	<input type="checkbox"/>

Present: 12 Resolution: Total: 12 0
 Absent: 0 Motion: Yes No
 Vacant: 0 Abstentions: 0

J Thomes / D.B

Call the Investor

2013082
3-7-13

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 3 - Town of LaGrange	Borchert		
District 6 - Town of Poughkeepsie	Flesland		
District 10 - City of Poughkeepsie	Jeter-Jackson		"
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery		"
District 1 - Town of Poughkeepsie	Doxsey		"
District 2 - Towns of Pleasant Valley and Poughkeepsie	Wilkinson		
District 4 - Town of Hyde Park	Serino		
District 5 - Town of Poughkeepsie	Roman		
District 7 - Town of Hyde Park	Perkins		"
District 9 - City of Poughkeepsie	White		"
District 11 - Towns of Rhinebeck and Clinton	Tyner		"
District 12 - Town of East Fishkill	Weiss		
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner		
District 14 - Town of Wappinger	Amparo		"
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon	Forman		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Blalock	<i>absent</i>	
District 20 - Town of Red Hook	Traudt		
District 21 - Town of East Fishkill	Horton		
District 22 - Town of Beekman	Hutchings		
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey		

Present: 24
 Absent: 1
 Vacant: 0

Resolution:
 Motion: ✓

Total: Yes No
 Abstentions:

2013082
 3.11.13

JM / JI

adopted by show of hands
"Call the question" hands

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison	1	
District 3 - Town of LaGrange	Borchert	2	
District 6 - Town of Poughkeepsie	Flesland	3	
District 10 - City of Poughkeepsie	Jeter-Jackson		1
District 16 - Towns of Fishkill, East Fishkill and City of Beacon	MacAvery	4	
District 1 - Town of Poughkeepsie	Doxsey	5	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Wilkinson	6	
District 4 - Town of Hyde Park	Serino	7	
District 5 - Town of Poughkeepsie	Roman	8	
District 7 - Town of Hyde Park	Perkins	9	
District 9 - City of Poughkeepsie	White		2
District 11 - Towns of Rhinebeck and Clinton	Tyner		3
District 12 - Town of East Fishkill	Weiss	10	
District 13 - Towns of LaGrange, Union Vale, and Wappinger	Bolner	11	
District 14 - Town of Wappinger	Amparo		4
District 15 - Towns of Poughkeepsie and Wappinger	Incoronato	12	
District 17 - Town and Village of Fishkill	Miccio	13	
District 18 - City of Beacon	Forman	14	
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Blalock	absent	
District 20 - Town of Red Hook	Traudt	15	
District 21 - Town of East Fishkill	Horton	16	
District 22 - Town of Beekman	Hutchings	17	
District 23 - Town/Village of Pawling, Beekman and East Fishkill	Thomes	18	
District 24 - Towns of Dover and Union Vale	Surman	19	
District 25 - Amenia, Stanford, Washington, Pleasant Valley	Kelsey	20	

Present: 24
 Absent: 1
 Vacant: 0

Resolution:
 Motion:

Total : _____
 Yes No
 Abstentions: _____

2013082 OPPOSING THE PROCESS OF ENACTMENT AND CERTAIN PROVISIONS CONTAINED WITHIN THE NEW YORK SAFE ACT

Date: March 11, 2013

Discussion on the foregoing Resolution No. 2013082, resulted as follows:

Legislator Miccio called the question, duly seconded and carried.

Roll call on the foregoing resolution resulted as follows:

AYES: 20 Blalock, Bolner, Borchert, Doxsey, Flesland, Forman,
Horton, Hutchings, Incoronato, MacAvery, Miccio, Perkins,
Rolison, Roman, Serino, Surman, Thomes, Traudt, Weiss,
Wilkinson

NAYS: 4 Jeter-Jackson, White, Tyner, Amparo,

ABSENT: 1 Blalock