

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

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

WHEREAS, the Cortland County Legislature acknowledges that in 2008, the Supreme Court established, via District of Columbia vs Heller, that the Second Amendment does not limit laws regulating the sales of guns, or prohibit possession of guns by the mentally ill or by felons, nor does it prohibit penalties against the carrying of guns in schools and government buildings;

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, our State Legislators most certainly could not have read the entire bill and understood its full implications prior to voting on it, nor had time to request and receive the input of their constituents regarding this matter; 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 have used a message of necessity to bring this bill to vote immediately and bypass the three day maturing process for all legislation; and

WHEREAS, the rushed process in drafting the NY SAFE Act resulted in complex policy changes, many of which have been left up to interpretation, are confusing, and were not thoroughly considered; 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 law-abiding gun owners of New York State; and

WHEREAS, there will be significant financial and time impact to the law-abiding gun owners who will now have to renew their pistol permits every 5 years at a cost, and significant financial and time impact to the Counties if they are mandated to become responsible for the 5 year re-certification process; 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

WHEREAS, limiting the number of rounds to seven versus ten is arbitrary and capricious; has no correlation to public safety, as the number of magazines a person can own or carry is not limited and it only takes a few seconds to switch magazines; 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, the SAFE Act does not ban semi-automatic firearms, but only bans military features on semi-automatic firearms such as a pistol grip, a lug allowing acceptance of a bayonet, or an adjustable stock to allow the gun to fit more than one size person; and

WHEREAS, not allowing these features on semi-automatic firearms will do little, if anything, to reduce gun violence; and

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

WHEREAS, while there are some areas of the legislation that the Cortland 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, many other provision do little more than negatively impact lawful gun owners; and

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

WHEREAS, this legislation has the potential to turn New York State law-abiding gun owners into criminals; and

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

RESOLVED, that the Cortland County Legislature requests the repeal of sections within the NY SAFE Act (Chapter 1 of the Laws of 2013) mentioned in the preceding paragraphs of this

resolution, which infringe upon the right of law abiding citizens to keep and bear arms but will not in actuality address the gun violence so prevalent in our Country; and be it further

RESOLVED, that the Cortland 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 be it further

RESOLVED, that a copy of this resolution be sent to Governor Andrew Cuomo, Senate Temporary President Dean Skelos, Senator Jeff Klein, State Senator James Seward, Assembly Speaker Sheldon Silver, and Assemblypersons Barbara Lifton, Gary Finch, and Brian Kolb.

On a motion from Council Smith and seconded by Councilman White the board approved to sign the resolution opposing the process of enactment and certain provisions contained within the new York safe act.