



NEW YORK STATE SENATOR

Patrick M. Gallivan

Gallivan Passes Legislation That Will Keep Guns Away From Criminals

PATRICK M. GALLIVAN June 23, 2011

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Former Sheriff Continues To Advocate For Common Sense Criminal Justice Reforms In Senate

Senator Patrick M. Gallivan (R,C,I - 59th District) announced this week that the Senate has taken deliberate action to close a loophole in state law that has inadvertently allowed dangerous criminals to possess certain types of firearms.

Under current state law, individuals generally prohibited from legally possessing firearms due to prior criminal conviction or instances of documented mental instability, are still able to acquire and possess antique, black powder, or muzzle loading firearms without restriction. Gallivan's bill will close this statutory oversight by clarifying the criminal code to ensure these still dangerous weapons do not fall into the hands of criminals.

"This bill simply ensures that dangerous, or otherwise unstable, individuals do not have access to weapons, as was clearly the law's original intent," said Gallivan. "It will have zero effect on law-abiding gun owners or collectors, while keeping our communities safe."

Senator Gallivan, a former State Trooper and two-term Sheriff of Erie County, noted the legislation was prompted by two incidents where State Troopers were wounded-in-action by muzzle loading, single-shot firearms.

"In just the past few years, two officers have been wounded in the field by individuals wielding firearms that they should have been prohibited from possessing. Under this legislation, the assailants -- one a multiple felon, and the other an individual with a history of mental disease -- would have never had access to these types of guns," Gallivan said.

On June 18, 2007, while responding to a domestic disturbance call in Potsdam, State Police Officer Amanda Reif was shot in her left shoulder by a perpetrator wielding a muzzle-loader. The perpetrator, despite having a lengthy criminal record, could legally own such a weapon and could not be charged for criminal possession.

Similarly, on August 28, 2008, State Police Officer George Stannard was shot through the hand by a mentally disturbed individual wielding a muzzle-loader.

Introduction of the legislation was strongly supported by the New York State Police Benevolent Association.