



NEW YORK STATE SENATOR

Jeffrey D. Klein

Klein, Sepulveda, Gun Violence Victim Luisito Oyala and Anti-Gun Violence Advocates Take a Stand Against Gun Violence

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| ISSUE: **CRIME, GUN CONTROL, CRIMINAL**

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BRONX, NY - Flanked by a coalition of anti-gun violence activists and Bronx legislators, Senator Jeff Klein (D-Bronx/Westchester) celebrated near unanimous passage of the anti-gun violence measure, 'Luisito's Law,' and announced the introduction of 'Nicholas' Law,' legislation that would require the safe storage of guns.

The press conference was held at Vidalia Park, the site of toddler Luis Oyola, Jr.'s shooting last year. In the wake of this shooting, Senator Klein and Assemblyman Sepulveda sponsored legislation that would toughen minimum sentencing requirements for anyone who discharges a weapon near a playground

or school and/or injures a child under 10-years-old. 'Luisito's Law (S. 6634-C/ A. 8361-C) passed the New York State Senate on Thursday.

With an eye to a comprehensive approach to gun violence, Senator Klein also announced that he has introduced 'Nicholas' Law' (S. 7822/A.8293), legislation that would require the safe storage of guns that are not in the immediate possession or control of the gun owner. Safe storage activist and sister of gun safety victim, Alexandria Bodden attended the press conference, sharing the story of her brother who committed suicide using his father's unlocked gun. Assemblywoman Amy Paulin is the sponsor in the State Assembly.

State Senator Jeff Klein said, "In the wake of the tragedy in Newtown and the recent shootings at college campuses in California and Oregon, we must continue to push for comprehensive laws that will make our streets safer and protect our children from gun violence. On the first day of the legislative session last year, I led the charge to pass some of the toughest gun control laws in the nation, and today, we are celebrating the passage of 'Luisito's Law,' that will help to prevent our schools and playgrounds from being ground zero for gun violence. Moving forth, I will fight to pass Nicholas' Law so that we can ensure children like Nicholas and Alexandria's brother, Michael, are not harmed by negligent storage of firearms. Together, we are working to protect our children from being the victims of firearms."

Assemblyman Luis Sepulveda said, "This legislation shows that we as New York State legislators are committed to keeping gun control a priority issue in the state," said Assemblyman Sepulveda. "While last year's SAFE Act was a great step in the right direction, these additional regulations will help to ensure that we see a reduction in gun violence."

"Luisito's Law," creates two new criminal charges for gunmen who endanger the lives of young children. Under the legislation, gunmen who commit serious crimes with a firearm within 250 feet of a city playground or within 1000 feet of a school could be charged with a Class C felony, and face up to 15 years in prison. The bill also creates a new charge for anyone using a deadly weapon on a victim under 10-years-old. Those criminals would be subject to a Class B felony and face up to 25 years in prison. Luisito's shooter is currently facing charges that carry a maximum penalty of 4 years in prison.

On August 30th, 2013, while the Oyola family was enjoying a family outing in Vidalia Park, an argument broke out between two men. The dispute, settled with bullets, resulted in a gunshot wound to the arm of young Luisito, who was only three years old at the time. Luisito survived only after being rushed to St. Barnabas hospital. Unfortunately, this incident is all too common. In the past two years, at least one child

has been killed by gunfire at a Bronx playground.

“Luisito’s Law” is the lawmakers’ most recent attempt to curb gun violence in the Bronx. In January 2013, Senator Klein sponsored and co-authored the NY SAFE Act, a package of bills that gave New York the toughest new gun control laws in the nation.

Nicholas’s Law, also known as “The Child Access Prevention” or “Safe Weapon Storage Act” would impose criminal liability on adults who negligently leave firearms accessible to children or otherwise allow children access to firearms. Under this legislation, guns not in the immediate possession or control of the gun owner, would be required to be stored in a safe storage depository or with a locking device. Gun owners who do not comply could face criminal charges, up to a class E felony.

- • First time offenders in which the incident does not result in physical harm would not have their gun permit revoked, though any additional offenses would result in a five year license suspension.
- • Incidents that result in physical harm would impose a class E felony on to gun owners.
- • Gun owners who improperly store their weapon and who have been previously convicted of a second degree violation would be subject to a class A misdemeanor.
- • Any sale of guns must include a warning that says “*Warning: Responsible firearm storage is the law in New York State. Firearms must either be stored with a gun locking device or in a safe storage depository or not be left outside the immediate possession and control of the owner of other lawful possessor. Firearms should be stored unloaded and locked in a location separate from ammunition. Leaving firearms accessible to a child or other person may subject you to imprisonment, fine, or both.*”

Nicholas' Law was named after 12-year-old Nicholas Naumkin of Saratoga Springs, New York, who died after being shot by a friend who was playing with his dad's unlocked gun. The gun owner was only guilty of a misdemeanor and paid a \$250 fine. On January 14, 2013, Michael Graham, another victim of an unlocked gun, committed suicide using his father's unlocked firearm. His sister, Alexandria Bodden attended the press conference and shared her story, stressing the importance of properly storing guns. With one third of households with children under 18 containing firearms, 2 million of which have guns that are loaded and unlocked, laws like Nicholas' Law could go a long way in reducing unintentional firearm deaths among children.

In the 2013 budget, Senator Klein successfully fought for \$3 million in funding for anti-gun violence programs. This year, \$250,000 in funding is being used to launch Operation SNUG, an anti-gun violence program with a proven record of success, for the first time in the Bronx.

Safe Storage Advocate Alexandria Bodden said, "Kids like my brother unfortunately aren't thinking through how final shooting a gun is. In order to prevent dark, impulsive actions that could take the life of an innocent child, guns have to be properly stored and locked. It is as simple as that. If that gun had been locked, I believe my brother would still be here with us. That's why Nicholas' Law is so critical to the safety of children across New York State. By enhancing penalties on gun owners who don't properly lock their guns, we can help prevent incidents like my brother's."

New Yorkers Against Gun Violence Executive Director Leah Barrett said, "NYAGV strongly supports Nicholas's Law which is about gun owner responsibility and saving lives. Keeping guns away from kids is the responsible thing to do and it's common sense. We know that safe storage laws save lives by reducing accidental shootings and suicides and also preventing theft of guns that end up in the illegal market. Members of the military and law enforcement understand this which is why they are required to store their guns safely. Shouldn't civilian gun owners do the same?"

Westchester United Leader Reverend Bruce Baker said, "A year and a half ago, our organization, Westchester United, was traumatized into action by learning of the reckless gun violence at Sandy Hook Elementary. Like so many others, we awoke to the news with horror, grief and dismay. Schools and playgrounds are supposed to be safe havens - places where children can play without fear or worry. That's

why we are thrilled that with the leadership of Senator Klein and Assemblyman Sepulveda, Luisito's Law is one step closer to becoming law."