



NEW YORK STATE SENATOR

Michael F. Nozzolio

Giant Step Forward Toward Repeal of the SAFE Act

MICHAEL F. NOZZOLIO July 10, 2015



A very tough battle was waged. A positive result was achieved.

As a result of extensive negotiations throughout the last several weeks, our efforts have been successful. **The SAFE Act ammunition database and background check has been stopped** by a signed AGREEMENT between Governor Cuomo and State

Senate Majority Leader John Flanagan.

This Memorandum of Understanding (MOU) agreement is a victory for every law-abiding gun owner in New York State. The ammunition database and background check requirements of the SAFE Act relied on unproven technology, and establishing it would have cost New York State taxpayers upwards of \$100 million - a colossal waste of tax dollars.

The establishment of this database was an affront to all law abiding gun owners and those who believe as strongly as I do in our 2nd Amendment rights!

Under the two-way agreement, the statewide ammunition database program is suspended and “no expenditures of state monies shall be allocated for the purposes of purchasing and installing software, programming and interface required to transmit any record for the purpose of performing an eligibility check” for buying ammunition unless both parties agree to proceed.

The database and background check directive in the SAFE Act was offensive to those who cherish our 2nd Amendment

rights and will NOT be implemented and the necessary steps to establish it are suspended unless the State Senate provides its express approval.

New York State Rifle and Pistol Association President Tom King said, "I would like to thank New York State Senate Republicans for their efforts to partially repeal portions of the SAFE Act. Even though it was not completed during the past legislative session, the Republican leadership continued to negotiate with the Governor, resulting in today's memorandum of understanding. We appreciate their efforts and we look forward to working with the Republican leadership to repeal the remainder of the SAFE Act during the next legislative session."

The MOU language formally halts the ammunition background check program, even though Assembly Speaker Carl Heastie of the Bronx refused to participate in our negotiations. Senate Republicans were successful in removing ammunition database allocations proposed by the Governor in the New York State budget but we sought a more official solution.

The formal MOU agreement was signed by Governor Cuomo's Director of State Operations James Malatras, and State Senate Majority Leader John Flanagan.

A few months ago, no one would have predicted that we could achieve this agreement from the Governor who pushed this misguided and offensive law through in the first place. The agreement resulted from an all out effort by Senate Republicans and Majority Leader John Flanagan during the just completed negotiations that wrapped up end-of-session issues such as the renewal of the property tax cap, property tax rebate checks for homeowners, Common Core reforms and the evaluation process for teachers.

Senator Flanagan kept his word that he would work with us to make real changes to the SAFE Act. He has shown strong leadership in getting positive results that are important to the people of Upstate New York and my Senate district.

The repeal of the ammunition background check was a part of legislation I sponsored, (S.5837/A.8196) which contained a number of reform provisions, and was passed in the State Senate this session. Other provisions would allow immediate family members to inherit firearms as part of an estate as long as a background check was conducted; reform the recertification process; and provide more protections for individuals' data on pistol permits while still requiring the state to release aggregate data; and require the state to

provide clearer due process rights.

In the State Assembly, which is heavily dominated by New York City, the bill stalled even though it had a Democrat Majority sponsor, Assemblyman Anthony Brindisi from Utica. A total of 26 Assembly members signed onto the legislation, but it failed to be brought up for a vote on the floor, even as an amendment, as requested by Majority Leader John Flanagan.

Assemblymen Robert Oaks, Brian Kolb and Phil Palmesano stepped up as co-sponsors, and I commend them for listening to our constituents and doing the right thing.

Because the Assembly Speaker refused to agree to our legislation during negotiations, we achieved the next best thing, which was to suspend the ammunition database through the Memorandum of Understanding. Other components of the SAFE Act already have been found to be unconstitutional, and the controversial law is the subject of several lawsuits.

The SAFE Act that passed in January 2013 required that sellers must determine a purchaser's eligibility to possess ammunition by a currently non-existent, on-line State Police operated database. The ongoing costs were to be borne by state taxpayers, who would also be required to pay for the equipment needed to conduct the background checks at **each** point of sale – literally every retailer across the state that sells ammunition. Thanks to our efforts, these costly, onerous and ineffective requirements have been eliminated.

We passed meaningful reforms in the New York State Senate. We also BLOCKED legislation that some have characterized as “SAFE ACT #2”.

Our efforts **STOPPED a number of anti-2nd Amendment proposals from becoming law**, including the following:

—DEFEATED a proposal to BAN and confiscate 50 caliber firearms and ammunition: S.2050, Sponsored by Senator Squadron from New York City;

—DEFEATED a proposal to REQUIRE, under penalty of law, the locked storage of firearms in the home: S.2491, Sponsored by Senator Krueger from New York City;

—BLOCKED from consideration the requirement to MICROSTAMP ammunition: S.1113, Sponsored by Senator Peralta from New York City;

—BLOCKED from consideration the requirement that all gun owners purchase expanded and very expensive additional liability insurance: A.5864, Sponsored by Assemblyman Ortiz from New York City.

I encourage all who want full repeal of the SAFE Act to stay united and focused on the objective, and keep doing the hard work it takes to repeal a law that passed the State Assembly by a 61 vote margin!

We have achieved important FIRST STEPS that put us on the road to FULL REPEAL of the SAFE Act. They are important first steps, but of course more must be done, and I will continue my aggressive efforts and not stop until we achieve FULL REPEAL of the so-called SAFE Act!

###