



NEW YORK STATE SENATOR

James L. Seward

## Gun Control Legislation Derailed

JAMES L. SEWARD July 1, 2010

Legislation brought before the state senate recently, known as the microstamping bill, has generated quite a bit of publicity. The measure is gun control under the guise of crime prevention. I voted against the bill and am pleased to say it was pulled from the senate floor after failing to garner enough support for passage.

The legislation (senate bill 6005) would mandate the use of a patented, sole-source technology called “firearms microstamping,” that would, in theory, imprint the make, model and serial number of the firearm onto the cartridge case when a gun is fired. Proponents say this will help police track down criminals who use a gun in commission of a crime. However, the sad truth is that this is nothing more than a smokescreen.

Independent studies have concluded that microstamping, as proposed in this bill, is flawed, unreliable and easily defeated by criminals.

The National Academy of Sciences said that more in-depth studies are needed on the durability of microstamped marks under various firing conditions and their susceptibility to tampering, as well as on their cost impact for manufacturers and consumers.

According to the National Shooting Sports Foundation, several studies by independent forensic experts have concluded that microstamping as proposed in this bill is flawed,

unreliable and easily defeated by criminals.

Drug dealers and other felons are not law abiding citizens. They do not go through legal channels to purchase the weapons they use in commission of their deadly trade. These lawbreakers buy their weapons on the street and they steal them from the homes of registered owners. They don't care about a gun license, and they certainly don't care if a firing pin is etching a number of their cartridges. In fact, firing pins are sold on the internet in bulk and can easily be swapped out or filed down.

So when police go to a crime scene and scoop up the spent shell casings, whose door are they going to knock on with the arrest warrant? It won't be the drug dealer who stole the gun – it will be the law abiding citizen who may not have even known the gun was missing, or a target shooter who left his empty brass casings at a shooting range.

This is not the first time gun control advocates have tried to make political hay with so-called public protection legislation.

Almost ten years ago, New York implemented a law calling for ballistic fingerprinting. We were told that the Combined Ballistic Identification System (COBIS) would solve all of our gun crimes. So far the state has spent \$35 million of your money on this failed program that has not been a factor in solving a single crime.

This latest attempt at false security would also put upstate New Yorkers out of work. Remington Arms, Herkimer County's largest employer, would be forced to cut good paying jobs and send an entire production line to Kentucky.

To date, there is only one other state in the nation that has passed this bad legislation – California. Now the California Police Chiefs Association is calling on the state to put the brakes on the unproven system. The CPCA sent a letter to California Attorney General

Brown stating that “it now appears that statements about the capabilities of microstamping may have been technologically premature.” Here in New York, our own state trooper PBA does not support the bill.

In recent years, I have fought hard for legislation that would provide real security for New Yorkers. In 2006, the senate passed legislation, enacted into law, to make it a felony and require jail time, for possession of a single illegal loaded firearm.

I will continue to support and fight for real crime enforcement measures that put lawbreakers behind bars. However, I will not back useless efforts that waste taxpayer dollars and infringe on the rights of law abiding citizens all for a few feel-good headlines.

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