



NEW YORK STATE SENATOR

Andrea Stewart-Cousins

## Senate Democrats: Keep Guns Away From Dangerous Individuals And Protect Our Communities

ANDREA STEWART-COUSINS February 7, 2018

| ISSUE: **GUN CONTROL, GUN VIOLENCE PREVENTION, GUN VIOLENCE, GUN SAFETY**



(Albany, NY) The Senate Democratic Conference today announced a legislative package to combat gun violence and protect New Yorkers. The Senate Democrats have been leaders in standing up to the corporate gun lobby, and have offered a series of common sense bills to address the repeated tragedies caused by gun violence.

“We must continue to take bold steps to reduce gun violence throughout New York State by passing sensible gun safety legislation,” **Senate Democratic Leader Andrea Stewart-Cousins** said. “It is our responsibility to protect our communities. Enacting this common sense legislation will help save lives by keeping guns out of the hands of dangerous individuals and banning tools to make legal guns more dangerous.”

There is more than one mass shooting per day in the United States, yet according to evidence compiled by the Martin Prosperity Institute, states with tighter gun control regulations experience far fewer gun-related fatalities. The Senate Democratic bill package will better protect New York residents and communities by ensuring that firearms are kept out of the hands of dangerous or unstable individuals and children, and that equipment like bump stocks which increase the rate of fire are banned. Additionally, the Senate Democratic plan will require effective background checks before purchasing firearms, prohibit undetectable firearms, and empower the victims of gun violence to sue negligent manufacturers.

The legislation advanced by the Senate Democratic Conference will:

- **Prohibit Bump Stocks and Mods That Increase Rate of Fire:** This bill, [S.6902](#), introduced by Senator Brad Hoylman, will make it a Class D Felony to possess a bump stock or similar device. Bump stocks were utilized in the Las Vegas shooting, which dramatically increased the rate of fire and contributed to the high number of casualties.
- **Establish Extreme Risk Protection Orders:** This bill, [S.7133](#), introduced by Senator Brian Kavanagh, will allow courts to issue an order that would seize or prohibit the sale of guns to individuals who are likely to act in ways that would result in serious harm to themselves or others.

- **Prohibit Possession of a Firearm by Anyone Who Commits a Hate Crime:** This bill, [S.7072](#), introduced by Senator Brian Kavanaugh, will add hate crimes to the list of offenses that disqualify offenders from possessing a firearm.
- **Effective Background Checks:** This bill, [S.5808-A](#), introduced by Senate Democratic Deputy Leader Michael Gianaris, will establish a ten day waiting period, extending the current three day period, to conduct background checks for individuals attempting to purchase a firearm. This legislation will also require licensed firearm dealers to report the criminal purchase of a weapon and will require background checks for any employees authorized to possess or transfer firearms.
- **Prohibit Undetectable Firearms:** This bill, [S.5829](#), introduced by Senator Kevin Parker, will prohibit firearms, rifles, or shotguns that cannot be detected by x-ray, magnetometer or metal detector and make their sale, transport, possession or manufacture a Class D Felony.
- **Create a Firearm Violence Research Institute:** This bill, [S.4363](#), introduced by Senator Roxanne Persaud, will create an institute to study the causes and conditions that lead to gun violence and develop methods of prevention.
- **Allow Victims Of Negligent Manufacturers To Seek Compensation:** This bill, [S.5922](#), introduced by Senator Jamaal Bailey, will overturn the legal holding that prevents victims and their families from seeking compensation from gun manufacturers found to negligently market firearms to irresponsible buyers.

- **Enact the “Children’s Weapon Accident Prevention Act”:** This bill, [S.3355](#), introduced by Senator Liz Krueger, will make it a crime to fail to securely store a weapon to prevent injury and death due to use or handling unintended by the person authorized to possess the weapon.
- **Close the Out Of State Resident Mental Health Record Loophole:** This bill, [S.7605](#), introduced by Senator Brian Kavanagh, will close a loophole in state law and allow the state to check the mental health records of an out of state resident when that person applies for a state gun permit.

**Bill Sponsor and Senate Democratic Deputy Leader Michael Gianaris** said, “More responsible gun laws will make our communities safer, keep firearms away from dangerous people and ensure preventable tragedies do not happen. Senate Democrats will not stop fighting for a safer future for New York families.”

**Bill Sponsor Senator Jamaal Bailey** said, “Ensuring the safety of all New Yorkers is one of my main priorities. I am proud to stand with my colleagues in order to roll out our firearm control bill package. As the lead sponsor on one of the bills, it is important that we hold gun manufacturers responsible, and work towards reducing the number of firearms in our streets. I am hopeful to see comprehensive reforms by the end of this session.”

**Bill Sponsor Senator Brad Hoylman** said, “The Las Vegas mass shooter used a bump stock to convert his semiautomatic weapon into a machine gun and kill 58 people. After Las Vegas, Congress promised to outlaw bump stocks, but four months later they’ve done nothing. It’s now up to New York to close the deadly loophole in the law that allows individuals to possess, sell and transport bump stocks in our state.”

**Bill Sponsor Senator Brian Kavanagh** said, “Gun violence is a national epidemic -- and here in New York we aren’t immune. Even though we have some of the strongest gun laws in the country and the third lowest rate of gun-related death, 900 New Yorkers lost their lives to guns last year. That’s 900 too many. I’m proud to sponsor a bill in today’s package that will enable family members and law enforcement to prevent individuals from accessing guns if they are likely to harm themselves or others. Extreme Risk Protection Orders are a new, effective tool to reduce gun violence -- and that’s why so many gun violence prevention organizations have backed our ERPO legislation. I’m also honored to sponsor additional bills that close a loophole in our licensing laws and make it harder for those who commit hate crimes to access guns. I’d like to thank Senator Stewart-Cousins for her leadership in bringing this package together, and I look forward to working with my colleagues to pass these bills.”

**Bill Sponsor Senator Liz Krueger** said, “We have a responsibility to keep New York families safe and secure from violence. It’s just common sense that young children should not have unsupervised access to loaded weapons – and no responsible gun owner would argue that they should. Too many times we’ve seen the tragic results when kids get their hands on guns. These tragedies are preventable, and the Children’s Weapon Accident Prevention Act will save lives.”

**Bill Sponsor Senator Kevin Parker** said, “The gun reform legislative package proposed by the Senate Democratic Conference offers a sensible approach to combating gun violence to keep our communities safe. My Senate Bill, S.5829 is a critical component of our commonsense measures as it will criminalize gun manufacturers and hold them accountable for knowingly producing undetectable firearms. This, and our package of legislation, will send a clear message to both buyers and sellers that the irresponsible use and manufacturing of a firearm will not be tolerated in the State of New York.”

**Bill Sponsor Senator Roxanne Persaud** said, “As elected officials, it is our duty to ensure that people we serve are safe and secure. Gun Violence not only erodes of our individual rights but it distresses us all. This epidemic is preventable; the time to find a lasting solution, is now. I will continue to fight for sensible gun legislation that tackles the problems and my colleagues and we will not stop until gun violence becomes a problem of the past.”

**Senator Leroy Comrie** said, “One life lost to gun violence is one loss too many. I commend Leader Stewart-Cousins and my colleagues in the Democratic Conference for putting forth this comprehensive package of bills to address the endemic of gun violence in New York State and I look forward to working with the to push for its passage.”

**Senator Gustavo Rivera** said, “Whether it be the horrific killing of Officer Miosotis Familia or the deadly workplace shooting at Bronx Lebanon Hospital that claimed one life and left six injured this past summer in my district, too many New Yorkers continue to fall victim to gun violence,” said State Senator Gustavo Rivera. “It is critical that we continue to work to implement regulations that prevent senseless gun-related deaths in New York State and I look forward to working with my colleges in the Democratic Conference to push this package forward.”

**State Senator James Sanders Jr.** said, “As a marine, I support the constitutional right for gun ownership, but there should be a stronger system of checks in place to prevent unnecessary violence and loss of life. I believe this package of bills will move us toward that goal. In addition to banning items that turn regular weapons into assault weapons like bump stocks, and keeping guns out of the wrong hands, we will also be looking at the needs of victims and examining what social factors cause gun violence. All of these factors, when addressed collectively, will make a difference.”

**Senator Toby Ann Stavisky** said, “With more than one mass shooting per day happening in the

United States, it is time to change the way we address gun violence in this country. New York has set the pace for comprehensive gun reforms and the drastic decrease in shootings across the state show us these laws work. But we still have more to do. This package of bills will strengthen our ability to help prevent gun violence, in all its forms, from happening in New York State.”

**June Rubin, Chapter Co-Lead with the New York chapter of Moms Demand Action for Gun Sense in America**, said, “We applaud our lawmakers for supporting this gun-sense legislative package. It is essential that we make it possible for families and law enforcement to petition courts to temporarily suspend a person’s access to firearms if they are a danger to themselves or others by creating Extreme Risk Protection Orders. In addition, our state should prohibit bump stocks and establish a firearms research center in order to study ways to prevent gun violence. We are so grateful to our Senate Democrats for introducing these bills and we urge lawmakers to pass them quickly. This package would allow our state to continue to set a strong example for the rest of the country of passing common-sense gun safety legislation. It’s time to put the safety of New York families first.”

**Rebecca Fischer, Executive Director of New Yorkers Against Gun Violence**, said, “We applaud the New York State Senate Democratic Conference once again for their leadership. This package of sensible gun violence prevention legislation includes measures that would keep guns away from individuals in crisis, fund vital gun violence research, and prevent domestic violence, suicide, and other senseless tragedies. As easy access to guns continues to cause daily carnage across this country, our New York lawmakers must step forward and pass critical gun safety laws that will keep our communities safe.”

**Nico Bocour, State Legislative Director for Giffords**, said, “New York legislators have shown courage and commitment in protecting the state’s families and communities from gun violence. Today, they are building on that record by introducing a package of bills that can

show the nation how much we can do in stopping the spread of this epidemic. If these are signed into law New York can keep guns away from those at risk of harming themselves or others by providing law enforcement and families with a tool to temporarily remove firearms from a loved one in crisis, and disarm convicted hate offenders. The rate of gun violence is not normal, and while Congress refuses to act, states like New York is with additional bills to ban bump stocks and fund gun violence research. We thank all of the sponsors and support their fight to make New York State a safer place to live and play.”

**Manhattan District Attorney Cyrus R. Vance, Jr.** said, “While New York has long been a leader in this area, there is still work to be done to combat gun violence in our homes and our communities. Keeping guns out of the hands of those in the midst of a mental health crisis is critical to keeping New Yorkers safe, and the Extreme Risk Protection Order bill would empower families and law enforcement to do just that. I commend the Senate Democratic Conference for standing against the gun lobby to promote sensible legislation which strengthens our existing gun laws.”

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#### RELATED LEGISLATION

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### **2017-S6902**

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- Introduced
- - In Committee Assembly
  - In Committee Senate



- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate
- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor

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Relates to defining and prohibiting an accessory to accelerate the firing rate of a semiautomatic weapon

October 06, 2017

In Senate Committee [Codes](#)

Sponsored by [Brad Hoylman-Sigal](#)

Do you support this bill?

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## 2017-S7133

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- Introduced
- ○ In Committee Assembly
  - In Committee Senate

- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate

- Delivered to Governor

- Signed By Governor

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Establishes extreme risk protection orders as a court-issued order of protection prohibiting a person from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun

December 08, 2017

In Senate Committee [Codes](#)

Sponsored by [Brian Kavanagh](#)

Do you support this bill?

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## 2017-S5808A

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- Introduced
  - In Committee Assembly

- In Committee Senate
  
- ◦ On Floor Calendar Assembly
- On Floor Calendar Senate
  
- ◦ Passed Assembly
- Passed Senate
  
- Delivered to Governor
- Signed By Governor
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Enacts the effective background check act of 2018

May 01, 2017

In Senate Committee [Finance](#)

Sponsored by [Michael Gianaris](#)

Do you support this bill?

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## 2017-S7072

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- Introduced
  
  - ◦ In Committee Assembly
  - In Committee Senate
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- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate
- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor

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Categorizes hate crimes as serious offenses in relation to possession of firearms; repealer

December 08, 2017

In Senate Committee [Codes](#)

Sponsored by [Brian Kavanagh](#)

Do you support this bill?

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## 2017-S5829

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- Introduced
- ○ In Committee Assembly
  - In Committee Senate

- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate
- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
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Establishes certain crimes relating to the criminal possession or manufacture of an undetectable firearm, rifle, or shotgun

May 02, 2017

In Senate Committee [Codes](#)

Sponsored by [Kevin S. Parker](#)

Do you support this bill?

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## 2017-S4363

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- Introduced
- ○ In Committee Assembly
  - In Committee Senate

- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate
- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor

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Creates a firearm violence research institute; and making an appropriation therefor

February 10, 2017

In Senate Committee **Finance**

Sponsored by **Roxanne J. Persaud**

Do you support this bill?

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## **2017-S5922**

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- Introduced
- ○ In Committee Assembly
  - In Committee Senate

- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate
- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor

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Provides for compensation for injury or death caused by the negligent entrustment of a firearm

May 05, 2017

In Senate Committee [Judiciary](#)

Sponsored by [Jamaal T. Bailey](#)

Do you support this bill?

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## 2017-S3355

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- Introduced
- ○ In Committee Assembly
  - In Committee Senate

- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate

- Delivered to Governor

- Signed By Governor

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Enacts the "children's weapon accident prevention act"

January 23, 2017

In Senate Committee [Codes](#)

Sponsored by [Liz Krueger](#)

Do you support this bill?

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## 2017-S7605

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- Introduced
- ○ In Committee Assembly
  - In Committee Senate



- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate

- Delivered to Governor

- Signed By Governor

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Relates to access to foreign state records concerning previous or present mental illness of applicants for firearms license

January 30, 2018

In Senate Committee [Codes](#)

Sponsored by [Brian Kavanagh](#)

Do you support this bill?