



NEW YORK STATE SENATOR

Brian Kavanagh

## Statement from Senators Kavanagh and Hoylman on the Senate Majority Rejecting Gun Violence Prevention Legislation in the State Budget, Including Extreme Risk Protection Orders

BRIAN KAVANAGH March 30, 2018

| ISSUE: **GUNS, GUN VIOLENCE PREVENTION, GUN VIOLENCE, GUN CONTROL, GUN LEGISLATION**

(Albany, NY) — Late Thursday night and early Friday morning, Senators Brian Kavanagh and Brad Hoylman and their colleagues in the Democratic Conference introduced five amendments to S7505C, a bill to enact portions of the State budget related to public protection and general government. The amendments were intended to enact crucial provisions that had been included in the Assembly budget resolution, and were supported by the Senate Democratic Conference.

One of the amendments would have enacted gun violence prevention legislation, including the extreme risk protections order bill ([S7133](#)) prime sponsored in the Senate by Senators Kavanagh and Hoylman and in the Assembly by Assemblymember Jo Anne Simon. Senator Kavanagh spoke twice on this proposal, highlighting first the **human impact** and then the **financial cost** of gun violence in New York.

This legislation is supported by a broad coalition of national and New York State gun violence prevention experts, advocates, law enforcement officials, mental health organizations, and healthcare groups including New Yorkers Against Gun Violence, Giffords, Everytown for Gun Safety, the New York Chapter of Moms Demand Action for Gun Sense in

America, Brady Campaign to Prevent Gun Violence, Citizens Crime Commission of New York City, Coalition to Stop Gun Violence, Prosecutors Against Gun Violence, New York Legislators for Gun Violence Prevention,<sup>1199</sup>SEIU United Healthcare Workers East, the Greater New York Hospital Association, the Mental Health Association of New York State, the Mental Health Association of New York City, the Mental Health Association in Orange County, Mental Health America of Dutchess County, the National Alliance on Mental Illness-New York State, the New York State Nurses Association, Nassau Police Commissioner Patrick Ryder and District Attorneys Clark (Bronx), Gonzalez (Brooklyn), Vance, Jr. (Manhattan), Singas (Nassau), Brown (Queens), McMahon (Staten Island), and Sini (Suffolk), all of whom called for extreme risk protection orders to be enacted as part of the state budget.

The gun violence prevention amendment — along with amendments to enact the Child Victims Act, reform the criminal justice system, modernize New York’s elections, and close the LLC Loophole — was voted down by the Senate Majority. Because the amendments were defeated, Senators Kavanagh and Hoylman voted against the public protection and general government portion of the budget.

Senators Kavanagh and Hoylman released the following statement:

“New York has some of the strongest gun laws in the country — and thanks to these laws, smart policing, and effective community-based intervention programs, we have the third-lowest rate of gun-related deaths in the country.

“Still, our rate of gun deaths is far too high — and with 900 New Yorkers killed as a result of gun violence each year and a total of 2,700 shot, we can, and must, do more.

“This weekend, more than 1 million Americans, including hundreds of thousands of New Yorkers, took to the streets in a March for Our Lives. They called for strong laws to stop gun violence — and last night, we joined our Democratic colleagues to answer their call.

“As we have several times this session, we proposed commonsense laws that will keep guns out of the wrong hands. But once again, the Senate Majority blocked this legislation.

“The fact is, extreme risk protection orders save lives while protecting constitutional rights. They’ve been studied by researchers led by Duke University. They’ve withstood legal challenges. And they are the law of the land in states six states, from Connecticut to Indiana to California, and most recently, Florida.

“By voting against this provision, the Senate Majority didn’t just vote against a commonsense bill that can save lives. And they didn’t just vote against the million Americans, or hundreds of thousands of New Yorkers who marched last weekend. They voted against the District Attorneys and other law enforcement officials who are sworn to protect our communities. They voted against the mental health organizations who work to keep New Yorkers safe and healthy every day. And they voted against the frontline healthcare workers who deal with the effects of gun violence on a daily basis.

“In spite of this setback, our coalition is growing, and we will continue to work tirelessly until this bill is enacted into law.”

**About Extreme Risk Protection Orders:**

This legislation would create a new type of civil order called an “extreme risk protection order.” These new court-issued civil orders would prevent someone from possessing or purchasing guns if a court finds they are likely to harm themselves or others, and would require them to temporarily surrender any guns they currently own.

The orders could be requested by family members, household members, police officers, and district attorneys — who often see warning signs of gun violence but may be powerless to act under current law before a tragedy occurs. Those requesting an order would have to present evidence that an individual is likely to harm themselves or others. The legislation includes strong due process protections, including requiring a prompt hearing to allow the subject of an order to present evidence on their behalf and providing a second opportunity for the respondent to challenge the order in court.

Earlier this month, the bill passed the Assembly with strong bipartisan support. The Senate bill has 29 co-sponsors, including every member of the Democratic Conference and the Independent Democratic Conference (IDC).

Six other states — Connecticut, Indiana, California, Washington, Oregon, and Florida — have similar laws. The Florida bill was enacted this month in response to the shooting at Marjory Stoneman Douglas High School on February 14th.

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#### RELATED LEGISLATION

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### **2017-S7133A**

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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?