




NEW YORK STATE SENATOR

Elaine Phillips

Senator Phillips Lead Sponsor On Enacted Legislation Requiring Removal Of Firearms From Individuals Convicted Of Domestic Violence

ELAINE PHILLIPS March 31, 2018



Protecting Domestic Violence Victims

Measure Passes Both Houses Of Legislature, Codifies State Laws To Federal Regulations, Adds Misdemeanor Domestic Violence Offenses

Citing the link between domestic violence and deadly gun violence, Senator Elaine Phillips announced that legislation she sponsored, which requires the removal of firearms in all domestic violence crimes, has been passed by both houses of the Legislature.

Nearly one-quarter of all victims in New York homicides had a domestic relationship with their offender and intimate partner homicides have increased significantly over the last three years, according to the NYS Office for the Prevention of Domestic Violence. In 2016 alone, firearms were used in twenty-five domestic homicides in New York. While current state law prohibits individuals convicted of felonies or serious offenses from possessing certain firearms, several misdemeanor offenses involving domestic violence, including strangulation and assault and battery, had been omitted.

“This common sense legislation closes the gap in federal law, protects women from their abusers and will save countless lives. By keeping firearms out of the hands of those who are convicted of domestic violence - we are protecting victims who are known to be at risk,” said Senator Phillips. “During the last year, I have met with numerous domestic violence prevention organizations, each stressing that bringing New York in line with federal regulations is paramount in their efforts to protect domestic violence victims and prevent further tragedies.”

“Domestic violence victims are five times more likely to be killed if their abuser owns a firearm,” said Cindy Scott, Executive Director, Safe Center LI. “Firearms have no place in the hands of domestic abusers and we thank Senator Phillips for listening to our concerns and getting this important legislation passed to protect women.”

Currently in New York State individuals are required to surrender hand guns when an order of protection has been issued by a judge or a firearm license has been suspended or revoked due to a felony, serious offense conviction or mental health disqualification. While federal regulations state any firearm must be surrendered during a domestic violence conviction, New York classification differs and long guns, including rifles and shotguns, do not fall under the definition of a firearm. This bill rectifies the existing loophole by adding long guns to the

same surrender procedures.

“This measure also gives our state’s court system better guidelines and provides for both the surrender of firearms upon a domestic violence crime and a provision to return the firearms if the order of protection is lifted, concluded Senator Phillips.”

The bill, S8121/A10272, is pending the Governor’s signature into state law.

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