



NEW YORK STATE SENATOR

Andrea Stewart-Cousins

Senate Majority Passes Sweeping Anti-Gun Violence Legislation To Protect New Yorkers

ANDREA STEWART-COUSINS January 29, 2019

| ISSUE: **GUN LEGISLATION**

(Albany, NY) The New York State Senate Majority today passed major legislation today to combat gun violence and protect all 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.

“It seems like every day we wake up to headlines of another mass shooting, another horrific gun crime,” said Senate Majority Leader Andrea Stewart-Cousins. “The madness has to stop. It is our responsibility to protect our communities, our schools, and to keep all of New Yorkers safe. Following years of inaction on common sense gun safety legislation, we are finally going to lead the way and serve as an example to the nation on smart gun laws.”

The historic legislation passed by the Senate Democratic Majority includes:

Extreme Risk Protection Orders: This bill, S.2451 introduced by Senator Brian Kavanaugh, allows law enforcement officials, family and household members and certain school officials to seek a court order requiring a person likely to harm themselves or others to relinquish any firearms in their possession.

Effective Background Check Act: This bill, S.2374 introduced by Deputy Majority Leader Michael Gianaris, establishes an extension of time up to thirty calendar days for national in-state background checks.

Bump Stock Ban: This bill, S.2448 introduced by Senator Luis Sepulveda, prohibits the possession of a device that accelerates the rate of fire of a firearm.

Preventing School Districts from Allowing Teachers to be Armed: This bill, S.101A introduced by Senator Todd Kaminsky, prevents K-12 schools from authorizing anyone other than a security officer, school resource officer, or law enforcement officer to carry a firearm on school grounds.

Gun Buy Backs: This bill, S.2449 introduced by Senator Shelley Mayer, directs the State Police to devise regulations for gun buyback programs so that all buyback programs across the state are operated consistently with uniform best practices.

Out of State Mental Health Records: This bill, S.2438 introduced by Senator Anna Kaplan, will require out-of-state applicants for gun permits to allow New York permitting authorities to review out-of-state mental health records.

Senate Deputy Leader and bill sponsor Michael Gianaris said, "Common sense gun safety reform will save lives, period. Stronger background checks will keep guns away from dangerous people. I am proud to have written some of America's toughest gun safety laws and to be part of the new New York Senate, which will keep our families and schools safe.

Bill sponsor, Senator Todd Kaminsky said, "The gun-safety legislation we passed today is a comprehensive set of common sense bills designed to get dangerous weapons out of the hands of dangerous people, while ensuring that we do not enact misguided and reckless

proposals like arming classroom teachers.”

Bill sponsor, Senator Anna Kaplan said, “My top priority as Senator is ensuring the safety of our schools and communities. That’s why I’ve introduced legislation to close loopholes in the background check process for gun permit applications, and why I’m co-sponsoring critical legislation like the “Red Flag” law, and the ban on bump stocks. These are all common sense reforms that New Yorkers want, and we’re acting right away to ensure our communities are safe from senseless gun violence.”

Bill sponsor, Senator Brian Kavanagh said, “Gun violence is an epidemic that has afflicted our country for far too long. While New York has some of the strongest gun laws in the nation, thanks to the SAFE Act of 2013, and one of the lowest rates of gun-related death in America, we still have about 900 New Yorkers dying from gunfire each year, and that is simply unacceptable. Enacting extreme risk protection orders will empower family members, law enforcement, and school officials to prevent gun tragedies by temporarily restricting access to guns for individuals when evidence shows they are likely to harm themselves or others. Until now, this bill, which we have been working to pass for several years, has been blocked by Senate Republicans, in spite of strong support from gun violence prevention experts, district attorneys, police, doctors and nurses, mental health organizations, concerned families across the state, and gun violence survivors. Today, I am proud to bring this legislation to the Senate floor--along with bills to strengthen background checks, require guns to be stored safely, and other measures we have long sought to enact because they’ll save lives. I thank Senate Leader Andrea Stewart-Cousins, and each of the sponsors of the bills we are taking up today, for their leadership.”

Bill sponsor, Senator Shelley Mayer said, “Today is an historic day for the people of New York State. We have finally passed laws that build on the path-breaking SAFE Act to protect our families and communities from the scourge of gun violence. We have passed the Red Flag

law, or ERPO, which will help keep guns out of dangerous hands; we have extended the background check period to allow for a thorough review; we have prohibited 'bump stocks' which accelerate the rate of fire of semi-automatic weapons; and we have put an end to the offensive proposal of arming teachers as a way to keep our children safe. In addition, I am especially proud that a bill I sponsored, inspired by the City of Yonkers' successful gun buyback program, was a part of this package. The bill establishes guidelines and regulations which encourage gun buyback programs and create a statewide gun buyback fund. Too many families have experienced the deep grief of losing a loved one due to gun violence. Today we begin to turn tragedy into policy. Thank you to the extraordinary efforts of advocates throughout the state, especially Moms Demand Action, as well as to James Nolan of Yonkers, for their commitment to making this day finally happen."

Bill sponsor, Senator Luis Sepulveda said, "The common-sense gun reforms proposed by New York Democrats are a strong step toward protecting our communities from the scourge of gun violence. These measures include banning bump stocks, preventing dangerous people from owning guns, prohibiting school districts from arming educators and increasing the allowed time for background checks. We will also authorize a new gun buyback program to get extraneous guns off the streets. I stand with families and will vote in favor of every proposed measure."

Senator Jamaal Bailey said, "Firearms have fallen into the wrong hands too many times and have caused catastrophic events. In New York, our main priority is to ensure the safety of our residents and prevent any further tragedies. The passage of common sense gun legislation is crucial in order to achieve this. I am proud to stand with my colleagues in protecting New Yorkers and making this state safer."

Senator Brian Benjamin said, "On gun safety, New York has already led the way, and with the legislation we are passing today we are making it clear that we are putting the safety of New

York's families and students first.”

Senator Alessandra Biaggi said, “If thousands of people, including children and young adults, were dying year after year from some disease, we would spare no expense to find a cure. But for gun violence we are told there is no cure, except more guns. That is literally insane. Well, no more here in New York. Today we are passing sensible rules to ensure that people who should not have a gun, will not have a gun. People should not be making or owning plastic guns that will make our metal detectors useless. And only trained safety officers should have guns in schools. We reject the idea that our societal goal should be an armed teacher in every classroom. Our goal has to be a day when we no longer need armed safety officers in our schools because there are no more school shootings. Our actions today won't get us there. But they are a step in the right direction.”

Senator Neil Breslin said, “I voted in support of this comprehensive package of gun safety legislation today because one more gun death is one too many. These common sense measures aim to curb gun violence in New York, while also taking guns out of the hands of individuals who aim to harm themselves or others.”

Senator John Brooks said, “Enforcing common sense safety measures for gun ownership in no way infringes on the 2nd Amendment - Rather, it protects the rights of the general public from the horrors of unchecked gun violence. These laws we pass today help to protect our basic freedoms; freedom from fear, freedom from violence.”

Senator Leroy Comrie said, “The destruction that has been wrought by gun violence in communities across our state is an affront to our most basic expectations as New Yorkers: security, comfort, and opportunity, to name a few. I am proud to stand with Leader Stewart-Cousins and my colleagues in the Majority in passing these commonsense reforms that will improve safety and meaningfully address the endemic of gun violence in New York State.”

Senator Jim Gaughran said “Last year young people across the country mobilized in a transformative movement to march for their lives. One year later New York stands to make history again with common sense gun reforms such as Extreme Risk Protection Order and expanded background checks. Today I have the great honor of hosting Linda Beigel Schulman and Michael Schulman, parents of the late Scott Beigel, who was tragically gunned down in the Parkland massacre last year while heroically saving the lives of his students. I thank them for their tremendous bravery and courage in turning their tragedy into advocacy. It shouldn't take a tragedy to spur action. Never again.”

Senator Andrew Gounardes said, “The time for thoughts and prayers has long gone. Now is the time for action. Today, we passed a series of bills that further ensure the safety of our communities. Gun violence in our country has grown to pandemic levels. A parent should never have to worry when sending a child to school or an abused woman about her significant other gaining access to a firearm. Stronger, common sense gun regulations will keep New Yorkers safer: It's as simple as that.”

Senator Pete Harckham said, “Common sense prevailed today and we have taken steps to keep our families safer. Banning bump stocks and empowering families and law enforcement to suspend a dangerous person's access to guns are common sense ways to protect our communities. These bills are overwhelmingly supported by New Yorkers and do not infringe on the rights of law-abiding gun owners.”

Senator Brad Hoylman said, “Today New York rejected the gun lobby and embraced common sense. For decades, we have watched as mass shooting after mass shooting failed to spur change in Washington. While the federal government sits on its hands, we will not let the next Parkland or Sandy Hook happen on our watch. These tragedies are preventable--and the first step is to keep guns out of the hands of violent and dangerous people. Thanks to the undeterred efforts of Senate Majority Leader Andrea Stewart-Cousins and my colleagues in

the Democratic conference, common-sense gun legislation is now the law of the land in New York. We can only hope that other states will follow suit.”

Senator Robert Jackson said, “I am grateful to my colleagues for their work on this package of firearm-related legislation that makes our communities safer. Passing Extreme Risk Protections Order (ERPO) legislation makes it possible to stop gun violence before it happens. We’re also making it illegal to manufacture or possess “ghost guns” that escape detection. And the creation of the Firearm Violence Research Institute at SUNY dedicated to formulating reports and policy on reducing firearm violence in underserved communities will help ensure responsible gun policy in New York State for years to come.”

Senator John Liu said, “NRA zealots insist that it's people -- not guns -- that kill people. Accordingly, these bills will help stop people from killing others and are even more compelling in light of the mass shootings in recent years.”

Senator Liz Krueger said, “We have a responsibility to keep New York families safe and secure from gun violence. That means enacting commonsense laws that the vast majority of people, including gun owners, support. It’s simply not enough to offer words of condolence after yet another school massacre, yet another teen gun suicide, yet another incident of domestic violence with a gun. These tragedies are preventable, and today we have taken an important step to do just that.”

Senator Rachel May said, “Central New Yorkers support common sense gun safety measures. We all want to live in safe communities. We all want our children to come home safe. I support measures that will keep guns safely out of the hands of those who cannot be responsible gun owners while respecting the rights of those who are. These measures include widely supported policies like thorough background checks, and banning bump stocks. We still see far too much gun violence in my district, and I believe that the votes we are casting

today will help ensure greater public safety in the years to come.”

Senator Zellnor Myrie said, “Gun violence prevention is possible, it is practical, it is affordable, and it is a no brainer. What stands between New York and commonsense gun safety laws has never been a lack of solutions, but a lack of political will. Today, with these bills, we show that we are serious about keeping our communities safe for all New Yorkers.”

Senator Kevin Parker said, “Now that my colleagues and I are in the majority we are doing all we can to ensure we pass progressive gun safety legislation. I thank Majority Leader Stewart-Cousins and the Senate Democratic Conference for bringing these bills to the floor to ensure that the safety of all New Yorkers is central to any laws we enact.”

Senator Roxanne J. Persaud said, “Gun-related violence across the nation is getting worse, even in some New York neighborhoods — where overall crime is at an all-time low. With these common sense firearm safety bills, we are addressing the necessary protection of all New Yorkers without overstepping the rights of gun owners.”

Senator Jessica Ramos said, “Passing comprehensive gun control legislation has proven itself to be an urgent issue in this country, and could be life saving for New Yorkers. Guns, automatic rifles, and assault rifles do not belong in our children's schools or on our streets. These bills, especially the Gun Buyback Bill, will allow for economic growth in communities of color, which have experienced systematic violence because of fire arms in their community. By passing gun safety legislation, the New York State Legislature is providing the protection and safety our families, our children, and our neighbors have fought for decades.”

Senator Gustavo Rivera said, “I proudly stand with my colleagues in the Senate Majority Conference as we put forth a comprehensive legislative package to properly address the gun

violence epidemic that continues to devastate our state and country. From Sandy Hook to Charleston to Orlando, to Parkland, to the shootings we see too frequently in the Bronx, these common-sense measures represent necessary steps our state needs to take in order to strengthen lax gun regulations that continue to cost the lives of hundreds of New Yorkers per year and prevent future tragedies from taking place.”

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 elements, when addressed collectively, will make a difference.”

Senator Diane Savino said, “Since the passage of the SAFE act, New York has been a leader with proactive legislation. In addition, programs such as SNUG have continued to make New York safer. Today we are taking another step forward in ensuring safety for our residents, while maintaining basic rights for gun owners.”

Senator Jose Serrano said, “As a nation, we have mourned too many lives lost to gun violence. While Washington continues to send thoughts and prayers, New York is actively addressing one of the most important issues of our generation. Today's bills implement smart, common-sense measures designed to keep guns and harmful accessories out of the hands of dangerous individuals and keep our schools safe. I look forward to continue working with my Senate colleagues to protect the safety and peace of mind of all New Yorkers and their families.”

Senator Kevin Thomas said, “The infliction of gun violence in communities across America is a disease that must be eradicated. For far too long, politics has gotten in the way of legislation that would protect all citizens of all backgrounds from the tragedy of gun violence. I call on all my colleagues to support common-sense gun legislation that will protect our children, safeguard our schools, and strengthen our communities. The Red Flag bill is common sense gun legislation that will make our communities safer. The time to act is now.”

Rebecca Fischer, Executive Director of New Yorkers Against Gun Violence, said, “Today New York’s lawmakers demonstrated true leadership by passing sensible, life-saving measures to prevent gun violence across our state. Our leaders understand that New Yorkers need more than condolences to keep our neighborhoods, homes, and schools safe. We need to keep guns away from people in crisis, not guns in our classrooms. We applaud the Majority Leader and Speaker, the bill sponsors and our broad coalition fighting to save lives. Together, we helped push these bills across the finish line.”

Nico Bocour, State Legislative Director at Giffords: Courage to Fight Gun Violence, said, “Gun violence is a public safety threat that causes tragedies in communities across New York every single day. In recent years, leaders in New York have understood that the best way to address this epidemic is by passing stronger gun safety laws. This trailblazing legacy continues today as lawmakers show they are determined to continue passing laws that protect the lives of all New Yorkers. We are pleased to see this robust package introduced in the New York Senate. Thanks to the courage of legislators like Majority Leader Andrea Stewart-Cousins and Senators Brian Kavanaugh and Brad Hoylman who are willing to take on gun violence, we can help build a brighter future for New York and we look forward to joining the fight to turn these bills into laws.”

Dakota Jablon, Deputy Legislative Director for the Coalition to Stop Gun Violence, said, “We are pleased that New York is taking a comprehensive approach to gun violence prevention. In particular, we applaud the introduction of legislation to create an extreme risk protection order. The extreme risk protection order is an evidence-based intervention that has saved lives in states across the country, and we are confident it will be an effective tool for families and law enforcement in New York. We urge policymakers to pass this important legislation with bipartisan support.”

Kris Brown, President of the Brady Campaign to Prevent Gun Violence, said, “Thanks to the ongoing efforts of New York's elected officials, residents of the state are already protected by some of the country's strongest gun safety laws. But gun violence is a complex epidemic that requires a multi-faceted policy response, and we're pleased to see the state legislature continue pushing for further action. From expanding Brady Background Checks to enacting Extreme Risk Protection Orders, this is a comprehensive and ambitious package that will serve as a model for the nation. We're proud to support these important bills, and we look forward to the governor signing them into law as soon as possible.”

Dr. Thomas Madejski, President of the Medical Society of the State of New York, said, “Today’s gun safety package contains a number of important measures supported by the medical community. Establishing ‘red flag’ laws, prohibiting the sale of so-called ‘bump stocks’, and extending the waiting period to purchase firearms are all common sense reforms that have been supported by MSSNY as ways to reduce the risk of firearms coming into the hands of those who present a risk to themselves or others. We thank the Senate and Assembly leadership, as well as Governor Cuomo, for advancing these important measures. “

Erin DaCosta, Volunteer Leader with the New York chapter of Moms Demand Action for Gun Sense in America, said, “We are thrilled that this gun safety package is getting an early vote. Seeing this life saving legislation move forward gives me hope that strong leadership

can result in real, common sense solutions against gun violence. Thank you Senate and Assembly leadership and to all of the legislators and who worked to move this forward and Governor Cuomo for his leadership.”

Wendy Burch, Executive Director of the National Alliance on Mental Illness-New York State (NAMI-NYS), said, “A central part of the mission of the National Alliance on Mental Illness-New York State (NAMI-NYS) is reducing suicide. The U.S. Department of Justice estimates that 60% of firearm deaths are attributed to suicide. This is why NAMI-NYS urges New York State to enact Extreme Risk Protection Orders to remove guns from the homes of people with mental illness during times of crisis. All too often, the concerns of families are not taken into account despite the fact that they regularly have more insight on their loved one’s condition than the individual, especially during times of crisis. This would be one of the few laws that empower families and caregivers to step in and help their loved ones during their most vulnerable times. We are grateful to Senator Brian Kavanagh, for his leadership on this life-saving initiative and his consistent championing of this issue.”

Manhattan District Attorney Cyrus R. Vance, Jr. and Los Angeles City Attorney Mike Feuer, Prosecutors Against Gun Violence Co-Chairs, said, “Today New York moved several steps closer to becoming the national model for reducing gun deaths that it really ought to be. Extreme Risk Protection Orders in particular are saving lives in states with active PAGV members like California and Oregon, and we are gratified that New York families and law enforcement will be similarly empowered to disarm domestic abusers and people in mental health crisis. As the co-founders of Prosecutors Against Gun Violence, we applaud the passage of these strong, sensible and fair gun violence prevention laws, and we commend Governor Cuomo, legislative leaders and sponsors, and gun violence survivors who worked together to get this done.”

Bronx District Attorney Darcel D. Clark said, “I am pleased that these new gun violence prevention measures for which I have advocated are now the law in New York. There has been far too much tragedy in the Bronx caused by illegal guns, and guns in the hands of people who are likely to harm themselves and others. Extreme Risk Protection Orders will help save lives in New York. And I welcome the support for Gun Buyback programs. My Office has held two such events in the past three years and the community is an eager partner in turning in illegal firearms. I am proud that New York continues to be in the forefront against gun violence and is one of the top states with the strictest and most sensible gun reform laws in this country.

Nassau County District Attorney Madeline Singas said “For years we have waited for common sense gun safety measures to pass in Albany. Every session we would lobby for bills that would prevent gun violence and make our communities safer. And every year we would leave empty-handed with the hope that things would change in the next legislative session. Thankfully that day has come and I am extremely thankful to our legislators for giving prosecutors the tools we need to get dangerous weapons off our streets on this historic day.”

Brooklyn District Attorney Eric Gonzalez said, “I commend the New York State Senate and Assembly for passing a common sense package of gun violence prevention legislation that will save lives and make New York a safer place for all residents. Thanks to Speaker Carl Heastie, Senate Majority Leader Andrea Stewart-Cousins, Senator Brian Kavanaugh, Assembly Member Jo Anne Simon, and all of the advocates, for their leadership on this issue, especially on Extreme Risk Protection Orders, an important tool to keep guns out of the hands of those determined to pose a risk to themselves or others.”

Jeffrey Oestreicher MD & Nina Agrawal MD, Chairs for Committee on Gun Violence Prevention, NYSAAP, said, “The 5,000 members of the NYS American Academy of Pediatrics are passionate about Gun Safety. We are delighted to congratulate the NYS Legislature for

passing Gun Safety legislation that is lifesaving and designed to prevent avoidable firearm tragedies in children. Guns are now the third leading cause of death among US children and the 2nd leading cause of trauma or injury-related death. In conjunction with other laws passed today, including ERPO, an evidence-based policy shown to decrease pediatric firearm suicide, our elected officials took another enormous step today in making NY state a beacon for protecting children from gun violence.”

Richard Aborn, President of the Citizens Crime Commission, said, “The State of New York has long been a leader in the fight against gun violence because it recognizes the need to respond swiftly and comprehensively. While states lack the power to develop the sort of national response so desperately needed from Congress, state legislation has been proven over and over again to be an effective deterrent against gun violence. The deadly toll extracted by guns can tolerate no delay in reacting – lives are literally at stake - and the complexities of gun violence demand a comprehensive approach. This package of bills addresses both of these requirements demonstrating once again that both the governor and legislative leadership have the will and determination to act to defend New Yorkers.”

Judith Cutchin, RN, New York State Nurses Association Board Member and President of NYSNA's NYC Health and Hospitals/Mayorals Executive Council, said, “These six measures combine in different ways to protect the public from gun violence. They are common-sense legislative proposals that we should all embrace, allowing us to continue to make progress in gun safety policy. As nurses, we see the strong connection between these proposed laws and the safety and health of the public. They are a critical move forward.”

RELATED LEGISLATION

2019-S2448

- 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
-

Prohibits the possession, manufacture, transport and disposition of rapid-fire modification devices

January 24, 2019

Signed by Governor

Sponsored by [Luis R. Sepúlveda](#)

Do you support this bill?

2019-S2449

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
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Establishes the municipal gun buyback program and municipal gun buyback program fund

January 24, 2019

Signed by Governor

Sponsored by **Shelley B. Mayer**

Do you support this bill?

2019-S2438

- 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
 -

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

January 24, 2019

Senate Floor Calendar

Sponsored by [Anna M. Kaplan](#)

Do you support this bill?

2019-S2374

-
- 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

 -

Establishes an extension of time of up to thirty calendar days for national instant background checks

January 24, 2019

Signed by Governor

Sponsored by **Michael Gianaris**

Do you support this bill?