

**Opposing The Process Of Enactment And Certain Provisions
Contained Within The New York SAFE Act**

Referred to: The Law Enforcement and Public Safety Committee (Chairman Briggs and Legislators Fabiano, Provenzano, Ronk, and Wishnick)

Legislator Kenneth Ronk and Legislators Lopez, Wawro, Gerentine, Maloney, Fabiano, Roberts, Litts, Maio, Belfiglio offer the following:

WHEREAS, the right of the people to keep and bear arms is guaranteed as an individual right under the Second Amendment to the United States Constitution; and

WHEREAS, the right of the people to keep and bear arms for defense of life, liberty, and property is regarded as an inalienable right by the people of Ulster County; and

WHEREAS, the lawful ownership of firearms is, and has been, a valued tradition in Ulster County, and the rights protected by the Second Amendment to the United States Constitution are exercised by many of our residents; and

WHEREAS, the NY Safe Act severely impacts the possession and use of firearms now employed by the residents of Ulster County for defense of life, liberty, and property; and

WHEREAS, this 2013 enacted law severely impacts the possession and use of firearms now employed for safe forms of recreation including, but not limited to, hunting and target shooting; and

WHEREAS, the people of Ulster County derive economic and environmental benefits from all safe forms of recreation involving firearms, including, but not limited to, hunting and target shooting while utilizing all types of firearms legally owned under the Constitution of the United States; and

WHEREAS, the enactment of the NY SAFE Act (Chapter 1 of the Laws of 2013) has engendered significant controversy over both the process by which it was enacted and certain provisions contained within it; and

WHEREAS, it is our understanding that many State Legislators had less than an hour to read the legislation, which contained approximately twenty-five thousand words, before being forced to vote on it; and

WHEREAS, having reviewed the law and time constraints, it is our conclusion that there is no possible way any individual could have read the entire bill and understood its full implications prior to voting on it; and

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WHEREAS, our State Legislators most certainly could not have had the time to request, and receive, the input of their constituents regarding this matter; and

WHEREAS, seeking and considering such public input is a standard to which the Ulster County Legislature holds itself; and

WHEREAS, the mishandling of the process in crafting the NY SAFE Act resulted in complex policy changes as well as a State Supreme Court trial and order issued April 30, 2015 to release simple information related to the State registry; and

WHEREAS, requiring law-abiding gun owners to verify ownership of certain types of firearms every five years, in addition to registering them on their permits, which now also must be renewed every 5 years, does not increase the safety of the public and is unnecessarily burdensome to the residents of New York State; and

WHEREAS, there has been a significant financial impact due to the approximately 20,000 Ulster County permits that will be renewed which required additional manpower and computer systems; and

WHEREAS, this law prohibits the sale of firearm magazines with a capacity larger than seven rounds; and

WHEREAS, those firearm magazines with a capacity larger than seven rounds, which are authorized to be retained by existing non-law enforcement owners, may only be loaded with seven rounds and eventually must be permanently altered to only accept seven rounds or be disposed of, thus constituting a seizure of legally owned personal property with no provision for compensation; and

WHEREAS, limiting the number of rounds to seven versus ten is arbitrary and capricious, has no correlation to public safety, unfairly burdens law-abiding citizen gun owners, and puts an undue burden on gun manufacturers to retool their manufacturing plants; and

WHEREAS, persons who comply with the new high-capacity magazine ban are law-abiding citizens, leaving the same high-capacity magazines in the hands of those who choose not to obey the law; and

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WHEREAS, requiring documentation of all ammunition sales in New York State, as provided for in this legislation, is another significant unfunded mandate on business; and

WHEREAS, while there are some areas of the legislation that the Ulster County Legislature finds encouraging, such as addressing glaring shortcomings in the mental health system, the strengthening of Kendra's Law and Mark's law, as well as privacy protections for certain of pistol permit holders, by-and-large, it finds the legislation does little more than negatively impact lawful gun ownership; and

WHEREAS, this law fails to offer any meaningful solutions to gun violence and places increased burdens where they do not belong, squarely on the backs of law-abiding citizens; and

WHEREAS, this law has effectively turned countless New York State law-abiding gun owners into criminals; and

WHEREAS, the manner in which this law was brought forward for vote in the State Legislature is deeply disturbing to the Ulster County Legislature; now, therefore, be it

RESOLVED, that the Ulster County Legislature does hereby support the passage of S511 of 2015 which would repeal the portions of the SAFE Act that infringe on the rights of law abiding gun owners, while leaving intact important sections providing for public safety and the general welfare of New York State residents; and, be it further

RESOLVED, that the Ulster County Legislature strongly encourages members of the New York State Legislature to hold public hearings to address the issue of gun violence in a way that will produce meaningful results; and, further be it

RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to Governor Andrew Cuomo, New York State Senate Majority Leader John Flanagan, New York State Senators James Seward, John J. Bonacic, William J. Larkin, Jr. and George Amedore, Assembly Speaker Carl Heastie, New York State Assemblymembers Kevin A. Cahill, Claudia Tenney, Frank K. Skartados, and Peter Lopez,

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and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 13 NOES: 9
(Noes: Legislators Archer, Bartels, Donaldson,
Greene, Gregorius, J. Parete, Provenzano,
Rodriguez, and Wishnick)
(Legislator Allen left at 7:41 PM)

Defeated in Committee: Law Enforcement and Public Safety on June 1, 2015

Petition to Discharge successfully executed on June 3, 2015

FINANCIAL IMPACT:
NONE

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 16th Day of June in the year Two Thousand and Fifteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 18th Day of June in the year Two Thousand and Fifteen.

/s/ Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature