

Shooters Committee on Political Education

Position Paper



A 4169 Weprin

Same as S 5658 Gallivan

A 8456 Weprin

No same as

Prohibit the possession of antique firearms, muzzle loading rifles, and muzzle loading shotguns by persons convicted of a felony or serious offense.

PURPOSE

Currently, individuals who have been convicted of a felony or certain serious offenses are prohibited from possessing or using handguns, rifles or shotguns. In the case of rifles and shotguns, this prohibition is limited to weapons using fixed ammunition, and in the case of handguns, the prohibition applies to all cartridge handguns but only loaded antique weapons.

This bill is intended to prevent individuals who are prohibited from possessing firearms, rifles and shotguns from possessing and using any weapon regardless of ammunition type. This essentially means antique handguns and muzzle loading rifles and shotguns.

POSITION

We have no objection to A4169/S5658. Prohibiting convicted felons from possessing weapons is certainly a legitimate state interest¹.

We oppose A8456. This bill goes outside of the realm of preventing access to weapons by legitimately prohibited persons and risks impacting the lawful owners and users of muzzle loading rifles and shotguns.

The penal law definition of “rifle” and “shotgun” should not be changed.

The definitions for rifle and shotgun currently in PL265.00(11) and PL265(12) are consistent with the definitions in federal law (18 U.S.C. 921) and should not be tinkered with. They are understood and are the basis for other state and local laws and regulations. This is the kind of change that, if made casually, invokes the law of unintended consequences.

Any legislation must be drafted in a manner that does not negatively impact fully law-abiding individuals. Any suggestion that muzzleloaders fall into the same category as cartridge guns would have a negative impact on groups and individuals including museums and Civil War reenactors.

Any text dealing with this subject must be very carefully developed.

Any specific definitions in PL265.00 concerning muzzle loading weapons must be consistent with federal law, specifically 18 U.S.C. 921 (a)(16), and should be developed with great care and with the assistance of someone with technical knowledge of the subject.

¹ See *District of Columbia v Heller* 554 US 570 (2008)

For the sake of clarity, definitions and sanctions should be separated

Definitions, if required, should be developed as recommended above.

Sanctions be confined to a sections that clearly only apply to convicted felons, as does PL265.01(4). This will ensure that restrictions do not exceed those necessary to achieve the aforementioned legitimate interests.

CONCLUSION

We have no objection to A4169/S5658. It appears to us that it addresses the intended purpose of keeping weapons out of the hands of felons. This bill passed the Senate in the last session but the Assembly version did not advance.

A8456 should not be adopted. This proposal has the potential for significant negative consequences for the law-abiding owners and users of muzzle loading sporting and historical weapons. It appeared to us that this is more properly addressed in A4169/S5658.

Stephen Aldstadt
President
8316 Irish Road
Colden NY 14033
(716)846-5448
stephen_aldstadt@earthlink.net

William E. Gibson
Legislative Director
58 Lost Mountain Trail
Rochester NY 14625
(585)737-3713
wgibson9@rochester.rr.com