

# Shooters Committee on Political Education

## Position Paper



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**Requires the safe storage of all guns and the “children’s weapon accident prevention act.”**

### PURPOSE

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The theory behind these proposals is that by mandating a regimen of storage procedures for weapons, defined as rifles; shotguns; pistols; and revolvers, there will be a reduction in the firearms deaths and injuries in New York State, particularly those involving children. The specific objectives are the prevention of theft by individuals for use in other crimes, the deterring of spontaneous suicides, and a reduction in accidents.

### POSITION

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We oppose these proposals. While we fully recognize the responsibility of firearms owners to store their firearms in a safe and secure manner, we do not believe that this back door attempt at governmental management of the process will contribute anything. It will only provide another opportunity for incursion on the rights of firearms owners. Individuals who behave in a reckless or negligent manner with respect to the handling or storage of firearms should be held accountable at law.

This legislation attempts to codify what is, in reality, personal responsibility and common sense. The death or injury of a child is, indeed, a tragic occurrence, but the infrequent accident is not going to be addressed by this legislation. Individuals who put children at risk are not likely to be deterred by anything in the New York Penal Law.

It unnecessarily invades the privacy of firearms owners with a level of intrusion that is inappropriate to the risk it attempts to mitigate. For over a hundred years, the numbers of firearms accidents for all age groups has steadily dropped and are at an all-time low. This is in spite of a vast increase in firearms ownership, which has quadrupled in the last 75 years. The added burdens that this bill would impose are unnecessary and they should be rejected.

### **Nothing in the law can unreasonably impede the use of a firearm for self-defense.**

The United States Supreme Court in *District of Columbia v. Heller*<sup>1</sup> held that a “prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense” violates the Second Amendment. No Constitutional right is unlimited and nothing in this decision should be construed to excuse reckless or negligent behavior, but requirements for a “locked box” or “gun locking device” go way over this threshold and negate the right to immediate self-defense – and are thus probably unconstitutional.

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<sup>1</sup> 554 U.S. 570 (2008)

**Accessibility of firearms does not represent a threat to New York children.**

In 2006, there was exactly one firearm related accidental death of a child under 15 in New York State, a rate of less than 0.00003% for the under 15 population as a whole<sup>2</sup>. The sponsors put forth a series of national statistics and an analysis, arriving at the conclusion that 10% of today's youth (exact age undefined) live in a home with a readily accessible weapon. By their definition, this represents 2.6 million children.<sup>3</sup> Based on the proffered 22 million children living in a home where there is a firearm, this is a fatal incident rate nationally of 0.0002%. This number has dropped more than 60% over the past 10 years<sup>4</sup>. The primary reason has been education of both adults and children as to proper firearms handling and storage. New York has been particularly successful.<sup>5</sup>

**There is no correlation between access to firearms and suicide.**

The overall suicide rate is not related to the accessibility of firearms. Japan, with virtually a total prohibition on firearms ownership, has a suicide rate twice that of the United States. The same variation is true in Western Europe. France, Germany, Belgium, and Switzerland have higher suicide rates, despite a variety of firearms laws that vary from virtual prohibition to very liberal. The converse is also true; Italy, the United Kingdom, and the Netherlands all have lower rates while having a similar range of regulation.<sup>6</sup>

**Persons under eighteen years of age may legally possess rifles or shotguns.**

State law permits the possession of a rifle or a shotgun by a person sixteen years of age or older for any lawful purpose. This proposal would criminalize an otherwise lawful act. An individual sixteen or older can, in full compliance with the law, possess a rifle or shotgun and participate in such legal activities as firearms training, target shooting, or hunting. Under this proposal, a parent could be criminally charged for what is currently a completely legal activity.

**The storage standards must be related to the specified problem.**

The standard of safe storage for the purpose of keeping weapons out of the hands of children, or any unauthorized person for that matter, is not going to be the same in all cases. An attempt to develop "one size fits all" solutions implies that every firearms owner could be required to purchase a safe or install a built in vault.

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<sup>2</sup> National Center for Health Statistics

<sup>3</sup> Shuster, M.A., Franke, T.M., Bastian, A.M., Sor, S., & Halton, N. *Firearms Storage Patterns in U.S. Homes with Children*, American Journal of Public Health 90.4 p 588-594 (2000)

<sup>4</sup> National Center for Injury Prevention and Control, CDC Data, WISQARS Injury Mortality Reports, 1986-2006

<sup>5</sup> During 2006, there were 12 accidental firearm related fatalities in New York State in all age groups, a rate of .06 per 100,000, among the lowest in the nation.

<sup>6</sup> World Health Organization. (2009) <http://www.who.int/research/en/>