

Shooters Committee on Political Education

Position Paper



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Adds offenses that would constitute a family offense under §812 of the Family Court Act or §530.11 of the Criminal Procedure Law to the definition of "serious offenses" in §265.00 of the Penal Law.

PURPOSE

These bills are intended to improve public safety by preventing individuals with a history of domestic violence from being able to acquire firearms at a later date.

POSITION

These proposals should not be enacted. They are unnecessary to deal with serious threats and excessively punitive for non-violent offenses. It is excessively punitive considering the low level of many of the offenses included. There are sufficient tools in the current judicial toolbox to deal with the problems that these bills are intended to address.

The justification for this legislation is the presumption that individuals convicted of any of the included offenses are in fact domestic abusers. However, the offenses specified in FCA § 812 and CPL § 530.11 include several violations and class B misdemeanors that consist of inappropriate but non-violent behavior. These include disorderly conduct and harassment.

These are offenses that would not currently prohibit an individual from possessing a rifle or shotgun and would not in and of themselves preclude them from obtaining a pistol license. These bills would impose a lifetime ban for even minor non-violent offenses.

The definition of "serious offense" was meant to include just that – misdemeanor weapons offenses, Class A Misdemeanors likely to have been bargained down from felonies, or offenses indicating a propensity for future escalation. It was certainly not intended to include violations meriting only an appearance ticket.

It is not clear that there is really a need for this legislation. Any judge of a court of record can revoke a pistol license and compel the holder to surrender their handguns. Under CPL § 530.14 and FCA § 842a as enhanced by the SAFE Act the courts are mandated to compel the surrender of all firearms, rifles, and shotguns upon violation of an order of protection or conviction on a violent offense.

This legislation is not directed at "heat of the moment" situations. The provisions of this proposal would only become effective after conviction on the offense. If the situation warrants it, there is certainly time to permit action under the CPL and FCA sections above.