



Special Edition ★ Legislation Alert! ★ Special Edition

# Governor Pataki To Cancel All Lifetime New York Handgun Licenses

## Pataki Is After Your Guns, Again! He Wants Your Money Too!

By Ken Mathison, SCOPE President

Governor George Pataki has unveiled his 2004-2005 budget proposals and included in this bill (S6056/A9556) is legislation that would make pistol licenses renewable and implement new state fees for renewal.

Here's the detail on the proposed legislation:

Would make **all pistol licenses renewable every 5 years and charge a \$100 state fee for renewal.** This fee would be in addition to the \$99 dollar fingerprint fee you pay when you first apply for a pistol license and any local fees charged for license application. There are also no limits in the legislation on what the local agencies can charge for licensing fees. Also included in this legislation are **increased fees for renewal of dealer and gunsmith licenses to \$100 each.**

This, in effect, becomes another unfunded state mandate since it provides no funds for the additional personnel the counties will require to administer the program. The counties will have no choice but to raise their local fees to recoup the losses.

**This legislation also establishes a state fee of \$25 each time you amend your license and again this is on top of any local fees for amendments.** The \$25 fee would also apply to duplicate licenses and processing of transfers between counties. If you are a collector and purchase, say, 10 guns in a year then you

would pay \$250 in amendment fees and if you sell any of your collection you are looking at \$25 each time you remove a gun from your permit.

At renewal time you will be required to list the make, model, caliber and serial number of all firearms you possess. **The hitch here is that "firearm" under the penal law no longer means just handguns and certain shortened long guns; it now includes any firearms that fall under the definition of an assault weapon.** Although the intent of the legislation is for handguns, this little kink opens up another whole can of worms.

Another danger of this renewable license is that current law allows the licensing office complete discretion to limit your license, now this same officer will have another opportunity every five years to limit or even deny you your license. In some counties where it is virtually impossible to get a carry license, a license holder with a carry permit granted many years ago could very well have that license limited upon renewal.

Fortunately, this bill only requires a background check through the National Instant Criminal Background Check System (NICS); you will not be required to resubmit fingerprints and go through the long drawn out process that you go through when you first apply for your permit.

For those who currently hold pistol licenses, your license would have to be "certified" prior to

February 1, 2005 under rules to be established by the State Police and then would be renewable every 5 years thereafter.

This proposal by Governor Pataki is discriminatory and racist in nature in that it will make handgun ownership a rich man's privilege by pricing handgun ownership out of the reach of the less affluent. In some counties the cost of a handgun license could approach \$400 at renewal time. The people most affected by this would be the law-abiding working poor a constituency that includes a disproportionate number of minorities, namely Black and Hispanic Americans.

**Each of you must let Governor Pataki know how you feel about this legislation. You must also call, write, email, or fax your Assemblyman and Senator and do it weekly not just once. It is essential that you do this because if they are allowed to get away with this, how long will it be before they decide to do it to long guns?**

**Editors note: There is already proposed legislation in this session to require rifles and shotguns to be added the ballistic ID program! A8732 sponsored by NYS Assemblyman David Koon, who has introduced quite a few anti-gun bills including one to stop gun sales at gun shows. In the eyes of the anti-gun politicians you are more dangerous then convicted criminals, lists and information on you must be kept "to protect New Yorkers" Having read the Constitution and Bill of Rights I don't recall it saying about paying the state to keep our rights.**

**"We're talking about a gigantic increase. It's just an awful big hit all at once," St. Lawrence County Clerk Patricia A. Ritchie said Wednesday commenting on Governor Pataki's proposal to raise pistol license fees.**

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**How do politicians see law abiding gun owners?**

**"As a general rule, we're not looking to tax people with fees I'd rather do it with pistol permits than (continuing a sales tax on) clothing." - Sheldon Silvers, Dem. leader of the NYS Assembly**

**"This proposal will improve the quality of the information maintained on the state police handgun data base and keep it more current," said Pataki budget spokesman Kevin Quinn. "The bottom line is this measure is about improving our ongoing efforts to prevent gun violence and protect New Yorkers."**

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*Remember, be polite and to the point with staff and representatives you talk to. Ask them to please give this message to the Governor - You will vote against anyone who votes for this budget with the handgun permit provisions in it.*

## To SCOPE from NYS Senator George Maziarz

The 2004-2005 budget Governor Pataki submitted to the Legislature contained many increases in state fees and surcharges that I simply cannot support. Among the harshest of these "revenue raising" schemes is the Governor's call to impose a \$100 fee on new and renewal pistol or revolver licenses. Furthermore, the plan would make all gun licenses expire every five years, creating a recurring burden to law-abiding gun owners. It would also cost \$25 to amend your permit, and any limits on local fees would be eliminated.

I wholeheartedly oppose this attempt to close budget gaps by imposing fees that would cripple the responsible gun ownership of more than one million upstate citizens. The plan is more than just overreaching, it represents a tax on the liberties guaranteed to us in the Second Amendment to the Constitution.

I will stand with Senate Majority Leader Joseph Bruno and my upstate colleagues to defeat this rash proposal. For the good of our constituents, we must prevent overbearing fees and surcharges from paralyzing their way of life.

Sincerely,  
 George D. Maziarz  
 Senator, 62nd District

## www.SCOPEny.org

We have an extensive amount of information on our site including pending legislation, alerts and links to other pro-gun sites.

Up to date information on bills and proposed legislation. Our news section is updated daily to bring you the latest gun related stories.

Find phone numbers and E-mail addresses for your representatives. And contact information for SCOPE chapters, committees and representatives near you.

**Visit SCOPEny.org today!**

## An Open Letter from NYS Assemblyman Dan Hooker to the Governor

February 3, 2004

The Honorable Governor George Pataki  
 The Capitol  
 Albany, NY 12224

Dear Governor Pataki,

**I oppose the proposed amendment to Section 400.00 of the penal law pertaining to pistol permit licensing and fees.**

Governor, in your "State of the

State" message you spoke of freedom, and I applauded louder than most. It was exactly the sort of inspired vision that I came to Albany to implement.

I am hearing loud and clear from my constituents (and yours) that this proposal restricts freedom. It is de facto gun control. At best, it is elitist and can be accommodated only by the well-off. As the owner of six handguns, I will find it expensive. As the holder of a lifetime license, I too will be embittered if I lose that lifetime guarantee to exercise my right guaranteed by the Second Amendment.

I believe that the present system is too burdensome and expensive. It takes six months to get approval for a license, and amendments require a loss of otherwise valuable time.

Lawful gun owners are not the problem. This proposal punishes them, diminishes their freedom, and provides them with an economic incentive to break the law. The last thing we need to do is breed contempt for law and order by doing this.

Back when you first ran in 1994, I displayed an NRA sticker on my 4x4 that said "Protect Freedom - Elect Pataki."

Please make it mean something by removing this provision.

Respectfully,  
 Daniel L. Hooker  
 Member of Assembly

cc.: NRA, NYSRPA, CPNYS, NY Farm Bureau, SCOPE

## A Message from NYS Assemblyman Dan Burling on Proposed pistol permit fees in the Executive Budget.

While New York state must explore every avenue possible to find ways to make ends meet and close its \$4 to \$5 billion budget shortfall, it must not come at the expense of our Second Amendment rights.

The proposed implementation of state fees on pistol permits as outlined in the Executive budget gives the government too much control over an individual's right to legally own a pistol. The call for pistol owners with lifetime permits to renew every five years is the beginning of a slippery slope that must not be set in motion.

Furthermore, the call for a \$25 fee for each pistol added to one's permit is simply a way for the state to track how many pistols are owned by an individual. The state need not be this involved in the personal lives of its law abiding citizenry.

As an avid sportsman and Marine Corps Vietnam Veteran, I strongly believe in personal freedoms and those rights guaranteed by the Constitution. While I believe that we need to be tough on crimes involving guns, I do not believe that these measures are the right approach.

## FIRING LINES

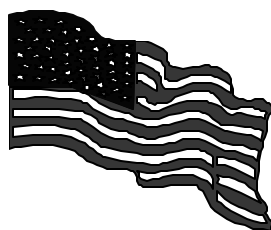
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 Michael Mastrogiovanni, Chairman  
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Meetings will be held at the Clay Sportsmen's Club on Henry Clay Blvd. just north of rte 31. The starting time will be 7:30 P.M. Call Michael Mastrogiovanni at (315) 652 4597 for date and directions.

\*\*\*\*\*

## DUTCHESS CHAPTER

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Dutchess chapter still meets the third Wed. of each month 7:30 PM at Dutchess County Pistol Assoc St. Nicholas Rd Wappingers Falls, NY.

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SCOPE Erie County Chapter meets every third Tuesday from January to October (no meetings in November or December) at Elma Conservation Club on Creek Road in Elma at 7:30pm. The club phone number is (716)655-4665. All members are urged to attend. There will be no meeting in November or December. Sorry guys, we'll be out hunting. The next scheduled meeting will be held Tuesday January 20<sup>th</sup> 2004. We will begin accepting nominations for officers at this meeting. Anyone wishing to run for county chapter office is encouraged to participate. We can always use some fresh faces with new ideas.

\*\*\*\*\*

## MONROE COUNTY REPORT

Ken Mathison - County Chairperson,  
 Phone (585) 865-5055

Monroe County meetings take place the third Monday of each month at the Reunion Inn (upstairs) on Culver Road across from Seabreeze Park. As always they will start at 7:00 PM., call Ken at 585-865-5055 for more information.

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## NIAGARA CHAPTER

Bill Urtel - Lockport  
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## NEW YORK CITY COMMITTEE

Jim Lesczynski - County Chairman  
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 lesczynski@keepandbeararms.com

We meet monthly, but our meeting place and time are currently in flux. Contact Jim Lesczynski (212) 559-2123 for the latest details, or join our low-volume email list by sending a message to: scope-nyc-subscribe@yahoogroups.com.

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## ORANGE COUNTY REPORT

Mike Kubow, Chairman  
 (845) 496-1183  
 Wileec@warwick.net

Meetings will be at 8 PM, 21 Claremont Trail, Blooming Grove, NY. Call Mike at 496-1183 for information.

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## ORLEANS COUNTY REPORT

E.L. (Tinker) Young Chairman  
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Orleans County SCOPE meets the 2nd Monday of every month, 7PM, Lakeshore Gun Club, Lakeshore Rd. in Lyndonville, NY.

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## ULSTER CHAPTER REPORT

Ms. Robee VanNorman, Chairman  
 845-687-4592  
 Mr. Steven Esposito - Secretary  
 Ms. Nancy VanNorman - Treasurer

The Ulster County meetings are held on the 3rd Tuesday of each month. Places vary, so it's advised that members call me about 3-5 days in advance of the meeting day (this month it will be held on 8/17/02 at 7 PM). My contact phone number is 845-687-4592

\*\*\*\*\*

## WAYNE COUNTY REPORT

Don Tenny, Chairman  
 315-331-5024

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Winter meeting schedule Jan. 14, Feb. 11 and March 10 at the Marion American Legion 7pm. All are welcome. Monthly meetings are held at the Marion American Legion on Witherden rd. the 2nd Wednesday of the month at 7pm. For information call Don Tenny 315-331-5024.

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(Continued on page 5)



(Continued from page 5)

1/20/04 Assembly 3rd reading  
1/7/04 Senate Env Conser  
**Oppose**-see A189

**A752**

Pretlow - Relates to firearm license renewal periods and certification of certain firearms licenses; requires completion of firearms safety program to obtain a firearms license; establishes children's weapons safety program designed to protect children from the risk of gun-related death and injury; creates a new type of firearms license; increases license fees for gunsmiths and dealers in firearms.

1/7/04 Codes

**Oppose**-deals with gunsmith and dealer license renewals and fees and establishes a fund for child weapon safety program to be paid for in part by these fees. Give responsibility to the Superintendent of Education to create the safety program. Does not limit licensing officers in imposing further restrictions on these licenses.

**A765**

Pretlow

Requires all motor vehicles transporting five or more weapons or ammunition for five or more weapons to have a separate storage area secured by padlock or combination lock and all such weapons and ammunition to be so secured when being transported and imposes a fine of at least \$1,000 and not more than \$5,000 for violation.

1/7/04 Transportation

**Oppose**-attempts to discourage transportation of firearms and ammunition by making it more difficult to do so legally.

**A1055**

Morelle - Includes the licensing of body vests in the same manner as pistols and revolvers and fees to be paid to the county treasuries outside of the city of New York and the county of Nassau; strengthens the crime of unlawful wearing of a body vest to making it apply in the commission of any felony, not just a violent felony.

1/7/04 Codes

**Oppose**-by requiring licensing of body armor this bill assumes that criminals would not wear them. This bill would penalize law-abiding citizens who simply want to protect themselves.

**A1166**

Pretlow - Prohibits the sale of handgun ammunition to any person unless the person can produce proof of a firearm license; defines "ammunition"; imposes a civil penalty of between \$500 and \$1,000 for each violation.

1/7/04 Codes

**Oppose**-the usual lame attempt to ban ammunition by requiring a permit to purchase handgun ammunition. Does not take into account that almost all calibers are used in some kind of handgun or another. Effectively would ban most rifle calibers.

**A1326/S1328**

Gunther/Seward - Provides that manufacturers, distributors and sellers of firearms shall not be liable for death or injury due to the use of a firearm by another person; excludes actions for breach of contract or warranty or where the transferor knew or should have known of any illegal intent to use a firearm by the recipient; provides that the potential of a firearm to cause injury shall not constitute a defective condition.

1/7/04 Judiciary 1/7/04 Senate Judiciary

**Support**-this type of legislation that would protect firearms manufacturers and sellers from lawsuits for another's criminal misuse of their products has been passed in a number of states and is proposed in others. Additionally there is federal legislation of this type.

**A1359**

Weprin - Provides that crimes committed while in possession of an assault weapon shall be punishable as a crime one degree higher than the actual crime committed; defines assault weapon as same as in the federal statutes.

1/7/04 Codes

**Oppose**-we oppose this one because we don't accept the notion that the definition of an assault weapon is legitimate or that they should be singled out for special punishment.

**A1530/S608**

Smith/Volker - Provides for the issuance of junior licenses to persons between the ages of fourteen and twenty to permit training, target practice, hunting and shooting competition by such persons; provides that such activities be undertaken in the company of a lawfully licensed or exempt person.

1/21/04 amend commit to Codes 1/16/04 amend commit Codes Senate

**Support**\*-we wholeheartedly support this bill. It would restore some of the rights to our youth that were taken away by Governor Pataki's gun package. You should call or write your Senator and Assemblyman and urge them to support this bill.

**A1560/S819**

Magee/Kuhl - Permits the discharge of a firearm within five hundred feet of a dwelling house, farm building or structure, school building or playground, factory or church, when such discharge is for the killing of a skunk, fox or raccoon emitting evidence of the disease of rabies and such dwelling is not situate in the line of fire.

1/7/04 Env. Con. 1/7/04 Senate Env. Con.

**Support**-needs no explanation but also should not be necessary legislation. The killing of a suspected rabid animal should never even be considered a criminal act of any kind.

**A1843**

Grannis - Provides that no sale of a rifle or shotgun shall occur unless a search of the criminal history records by the division of state police has been completed; provides that such

inquiries shall be done at the request of a dealer in firearms with the consent of the prospective purchaser of a rifle or shotgun; provides that such dealers inquiry shall be made by telephone to the division of state police via a toll free telephone number created specifically for such criminal history record; provides that such inquiries shall be made using the purchaser's name, gender, race, date of birth and social security number.

1/7/04 Codes

**Oppose**-would require additional background checks through the State Police over and above those currently required by federal law.

**A1865**

Norman - Requires the disposal of firearms, rifles and shotguns owned by any department, board, bureau, commission or agency of the state of New York and local governments by either selling or transferring to a law enforcement agency for destruction; prohibits the sale of any such weapon to any other person or entity.

1/7/04 Codes

**Oppose**-requires firearms owned by law enforcement agencies to be destroyed or sold to other agencies only. Does not allow sale of these firearms to the general public.

**A2399**

Smith - Provides a means for providing safety and marksmanship training to an applicant for a pistol license by allowing such applicant to receive temporary, supervised instruction in the safe and responsible use of firearms before such license is issued and permitting the unlicensed possession of a firearm by such applicants for this specific purpose.

1/7/04 Codes

**Support**-under current NY law your not allowed to handle handguns unless your have a permit. This bill would allow for use of handguns for training purposes prior to issuance of a permit.

**A2400/S2824**

Smith/Saland - Proposes a constitutional amendment protecting the right of the people to keep and bear arms for traditionally recognized purposes.

1/21/04 referred to AG for opinion

**Support**-needs no explanation, but does need you to call and write your legislators urging their support.

**A2401/S1435**

Smith/Volker - Provides that a properly issued license to carry a pistol or revolver is valid throughout the entirety of the state, including the city of New York.

1/7/04 Codes 1/7/04 Senate Codes

**Support**-same as above

**A2901**

Dinowitz - Imposes strict liability upon persons who manufacture, sell, lease or dispose of assault weapons when the discharge of such an assault weapon results in injury to a person or property or in death to a person; excludes manufacturers from such liability if the discharge occurred during the commission of a crime or by a member of the U.S. armed forces or any law enforcement agency; defines assault weapon based upon characteristics, manufacturer, and large capacity ammunition feeding device utility.

1/7/04 Judiciary

**Oppose**-would place unfair burden on those who make, lease or sell so called assault weapons for criminal or negligent misuse of these weapons.

**A2927/S2398**

Sanders/Kruger

Enacts personalized gun safety provisions creating a temporary state commission to adopt standards for firearms sold or manufactured in this state (and test prototypes) including, but not limited to, personalizing all firearms manufactured, assembled, altered, offered for sale, sold, traded, transferred, shipped, leased, distributed, acquired or possessed within the state so that only authorized users can operate them; requires manufacturers and others to comply with the standard four years from the date on which the commission's original standard is adopted; exempts antique firearms and those manufactured prior to the compliance date, except that dealers are prohibited from selling or otherwise transferring those guns; imposes penalties against those who manufacture, transport or ship firearms that do not meet the safety standard and against those who deface or alter the personalized characteristic; authorizes persons who are injured, or the representative of those killed, by the discharge of firearms not meeting the standard to bring an action against the person who fires the weapon and the owner thereof.

1/7/04 Codes 1/7/04 Codes (Senate)

**Oppose**-this is New York's attempt at forcing "Smart Guns" on the public.

**A2928**

Sanders - Establishes the crime of criminal sale and criminal possession of ammunition for a pistol or revolver; criminalizes the sale of such ammunition to a person without a license for a pistol or revolver and the possession of such ammunition without a license for a pistol or revolver; makes both crimes class E felonies.

1/7/04 Codes

**Oppose**-See A1166

**A2940**

Weprin - Establishes a four day waiting period prior to the sale, loan or lease of a rifle or shotgun by a licensed dealer; provides a four day "cooling off" period for the purchaser of a rifle or shotgun.

1/7/04 Codes

**Oppose**-again needs no explanation.

**A3003**

Diaz R. - Creates a cause of action for injuries to person, property, means of support, or otherwise,

including death, sustained by persons possessing imitation weapons against persons who cause or contribute to such injuries by manufacturing, selling, or distributing such weapons in violation of article 39-B of the general business law.

1/7/04 Judiciary

**No Opposition**-imitation weapons are defined and banned under existing law, this bill gives more teeth to that law.

**A3138**

Ortiz - Enacts the "street terrorism enforcement and prevention act of 2003" to eliminate street gang crime; declares building used for certain criminal purposes by gangs to be nuisances and subject to abatement; provides for confiscation of firearms and ammunition; creates crime of using coercion to cause a person to participate in criminal street gang activity; provides for increased sentences for certain street gang crime related offenses; defines "pattern of criminal gang activity" and "criminal street gang"; provides that this act does not preempt local laws and is to be applied as supplementary.

1/7/04 Codes

**No Opposition**-deals with street gang activities and allows for confiscation of firearms and ammunition used in street gang activities. Provides for the return of stolen firearms to their owner if they can be identified.

**A3245**

Koon - Includes within the definition of armor piercing ammunition: ceramic or polymer plastics; defines devastator ammunition as any ammunition capable of being used in pistols or revolvers containing a projectile or projectile core; includes possession of armor piercing or devastator ammunition within the definition of criminal possession of a weapon in the third degree.

1/7/04 Codes

**Oppose**-attempts to ban ammunition by defining armor piercing ammunition in the broadest terms.

**A3311**

Englebright - Proscribes persons, firms or corporations engaged in the retail business of selling firearms from selling, delivering or transferring child operated firearms; defines "child operated firearm" to mean a pistol or revolver manufactured 1 year after the effective date of these provisions which does not contain a childproofing device or mechanism incorporated into the design of such pistol or revolver to effectively preclude an average 5 year old from firing same; makes violations a class A misdemeanor.

1/7/04 Codes

**Oppose**-assumes that gun makers are intentionally making guns easily operated by children and mandates design criteria "child proof" guns.

**A3314**

Koon - Directs the superintendent of state police to study pistols and revolvers manufactured in the United States to determine whether such weapons satisfy public safety standards; provides for the compilation of a list of such pistols and revolvers that do not meet such standards; provides for publication and updating thereof.

1/7/04 Codes

**Oppose**-creates a Maryland style "approved" handgun list. Only approved guns would be allowed for sale in NY.

**A3316**

Koon - Establishes the Police Officer Safety Act of 2003; increases the length of sentence of imprisonment for persons convicted of aggravated assault upon a police officer or peace officer; expands the definition of armor piercing ammunition (cop killer bullets), and bans possession of armor piercing ammunition and exploding bullets.

1/9/04 amend commit Codes

**Oppose**-again like other ammunition bills this one defines "Cop Killer" bullets and armor piercing ammunition and bans it.

**A3317**

Koon - Prohibits the possession of a rifle, shotgun or firearm in or upon a school bus, or in, upon, or within one thousand feet of a school, college or university or a building or grounds used for educational purposes, or in or upon municipal playgrounds, except under certain circumstances.

1/7/04 Codes

**Oppose**-not only does this put our schools in jeopardy by creating gun free school zones it also attempts to enlarge the area where you cannot carry a gun.

**A3420/S1815**

Parment/McGee - Authorizes the possession and use of a single shot .22 caliber rifle by a person eleven years of age on a rifle range while supervised at an indoor or outdoor shooting range.

1/7/04 Codes 1/7/04 Codes Senate

**Support**-allows youngsters to be introduced to shooting sports under supervision.

**A3434**

Barra - Provides for criminal liability of owners of a firearm, rifle or shotgun for offenses committed by persons under the age of eighteen years; provides for an affirmative defense for the loss or theft of such firearm, rifle or shotgun.

1/7/04 Codes

**Oppose**-another criminal liability bill for failing to have your guns properly secured.

**A3539**

Englebright - Provides for the labeling of all shipments of firearms, and shipments of shotguns and rifles in jurisdictions which require a permit or license to possess a rifle or shotgun; provides for manifests for transportation thereof, notice to the superintendent of state police,

transporters to know what they are transporting when reasonably possible, and for postponement of delivery pending police investigation.

1/7/04 Codes

**Oppose**-not only does this violate federal regulations regarding the marking of firearms shipments it would alert criminals as to what packages have guns in them.

**A3540**

Englebright - Prohibits the possession of a gun or non-folding knife while upon the premises of a governmental chamber or at a public hearing of the state or any political subdivision thereof; such violation shall constitute a class E felony; exempts police officers and security personnel.

1/7/04 Codes

**Oppose**-another bill that limits where law abiding citizens can carry defensive weapons.

**A3655**

Koon - Makes provisions in relation to banning dangerous, poorly made, easily concealable, generally unsafe firearms known as "Saturday night specials" or "junk guns;" defines such term; increases penalties for certain offenses relating to possession, use and sale of such weapons; directs the superintendent of state police to study such weapons and publicize the provisions of this act.

1/7/04 Codes

**Oppose**-another junk gun bill

**A3666**

Koon - Prohibits the sale of guns at a gun show located on public property by creating the crime of illegal sale of a gun at a gun show located on public property; defines public property as any property owned by the state or any political subdivision thereof; makes such crime a class A misdemeanor.

1/7/04 Codes

**Oppose**-does anyone see anything wrong with this bill.if you ban the selling of guns at gun shows, you can't very well have a gun show. Someone didn't think this one through.

**A3667/S3977**

Koon/Golden - Decreases the number of firearms constituting criminal sale of a firearm in the second (from ten to three) and first (from twenty to ten) degrees and adds possession with intent to sell such number of guns as a basis for violation of the respective provision; amends presumption of possession with intent to sell provision by decreasing the number of firearms possessed which triggers the presumption (from five to three).

1/9/04 amend commit Codes

1/7/04 Codes(Senate)

**Oppose**-there would be no opposition to this bill if they replaced the word firearm with "pistol or revolver". With that change the true purpose of this bill, fighting trafficking in illegal handguns, would be accomplished. The definition of firearm has been changed to include so called assault weapons.

**A3668**

Koon - Directs the superintendent of state police to issue rules to prevent the transfer of unsafe firearms to the state; establishes minimum safety and quality standards governing the manufacture of firearms as well as standards for the storage and shipment of firearms into New York; provides for civil penalty of not more than \$50,000 for each violation.

1/7/04 Codes

**Oppose**-one more time with the junk guns.

**A3678**

Warner - Establishes the crime of criminal storage of a firearm in the first, second, third, fourth and fifth degrees and exempts gun vaults and trigger locking devices from sales and use taxes.

1/7/04 Codes

**Neutral**-spells out what responsible gun owners should already know about gun storage. Exempts gun vaults and trigger locks from sales and use taxes.

**A3734**

Koon - Provides for the submission by state and local law enforcement authorities of expended projectiles and shell casings and guns, found or otherwise coming into their possession, to the state police pistol and revolver ballistic identification electronic databank; requires the law enforcement agencies to make a record thereof and submit within 30 days.

1/7/04 Govt. Operations

**No opposition**-although this bill deals with adding crime guns to the national database its usefulness is still in question.

**A3818**

Koon - Requires persons engaged in the business of selling firearms, rifles, or shotguns to sell them with a locking device; authorizes the award of compensation to individuals injured by any person using a firearm, rifle or shotgun if the person who sold or transferred such weapon to another person did so without providing at the time of sale or delivery a gun locking device that is capable of preventing the weapon from discharging, when required to do so; preserves existing remedies; defines gun locking device for purposes of the penal law.

1/7/04 Judiciary

**Oppose**-duplicates existing law and goes one step further with creating liability issues.

**A3861**

Weinsenberg - Enacts "the regulation of man-stopping bullet sales act", regulates sale and purchase of hollow point ammunition by the Superintendent of State Police and the Division of Criminal Justice Services; outlines information a firearms dealer shall collect from a purchaser of hollow point ammunition; imposes criminal penalties.

(Continued from page 6)

1/7/04 Codes  
Oppose-another attempt to ban ammunition through definition.

**A3920/S1698**  
Abbate/Maltese - Waives the firearm license fee for qualified retired sheriffs, undersheriffs and deputy sheriffs of the city of New York.  
1/7/04 Codes 1/7/04 Senate Codes  
Oppose-retired law enforcement personnel should not get special treatment over ordinary citizens.

**A3942**  
Grannis - Establishes a three-hour safety course, developed by the municipal police training council, which shall be completed by an applicant prior to the issuance of a license to possess a pistol, revolver, rifle or shotgun; provides that a license for a firearm shall not be issued until a certificate of participation in such course is submitted to the licensing agency or officer.  
1/7/04 Codes  
**Oppose**-more training requirements to get a pistol permit.

**A3948**  
Ortiz - Decreases the number of firearms necessary for conviction of criminal sale of a firearm and further reduces the numbers where the sale is of a firearm; also changes the classification of criminal transporting or shipping a firearm to increase the permissible penalties assessed therefore.  
1/7/04 Codes  
**Oppose**-see A3667 more of the same.

**A3977**  
Oaks - Authorizes amendments to a license to carry or possess a firearm to be made by the filing officers or county clerk of each county, unless otherwise specified through resolution of the county's legislative body.  
1/7/04 Codes  
**Support**-simplifies the amendment to pistol license process

**A3978**  
Oaks - Provides that restrictions regarding the carrying of concealed weapons and licenses therefore shall be by statute only.  
1/7/04 Codes  
**Support**-limits how restrictions to a pistol license can be made.

**A4099**  
Straniere - Enacts the "comprehensive school safety act"  
1/7/04 Education  
**Oppose**-has a whole bunch of non-gun related stuff but does establish "gun free school zones" and the posting of signs relating to gun free school zones.

**A4120**  
Conte - Provides a \$500 credit against personal income tax for the surrender of a firearm to local police, sheriff or state police.  
1/7/04 Ways & Means  
**Oppose**-has the potential to break the budget. I could see tens of thousands of New Yorkers buying cheap or used guns to turn them in for the tax credit.  
Another version of gun buybacks that in the end waste the taxpayer money.

**A4253**  
Townsend - Grants sworn police officers licenses to carry and possess firearms immediately upon retirement; eliminates certain application and licensing procedures for sworn police officers upon separation from a police force and immediately entitled to receive retirement benefits.  
1/7/04 Codes  
**Oppose**-see A3920/S1698

**A4615B**  
Weisenberg - Enacts the children's weapon accident prevention act; establishes the crimes of criminally negligent storage of a weapon in the 1st and 2nd degree; requires the sale and use of weapon locking devices and requires the commissioner of education to formulate a weapons safety program for children.  
1/7/04 Codes  
**Oppose**-see A4555

**A4627**  
Young - Provides that rifles, shotguns and firearms sold to veterans of the armed forces of the United States need not be equipped with gun locking devices; eliminates requirement that gun dealers forward shell casing of a pistol or revolver to the division of state police when such weapon is sold to a veteran; authorizes veterans to possess assault weapons and large capacity ammunition loading devices.  
1/7/04 Codes  
**Oppose**-we oppose bills that would give special consideration to retired police officers because it treats them differently than ordinary citizens. We therefore can't very well support this one for those same reasons.

**A4654**  
Lavelle - Increases penalties for the failure to report the theft or loss of a firearm, shotgun or rifle if such firearm, shotgun or rifle is found in the possession of a criminal or used in the commission of a crime; exempts peace officers and police officers from such provisions.  
1/7/04 Codes  
**Oppose**-would prohibit a person from owning a rifle, shotgun or firearm for five years if they fail to report a stolen firearm that is used in commission of a crime.

**A4693**  
Lavelle - Provides that persons who report the theft or loss of a firearm, shotgun or rifle shall

be prohibited from purchasing any firearm, shotgun or rifle for a period of one year from the date such report was made; exempts peace officers and police officers from such provisions.  
1/7/04 Codes  
**Oppose**-similar to A4654 but would limit to one year the prohibition on purchasing a firearm after reporting a stolen or lost firearm.

**A5071**  
Paulin - Requires the renewal of firearms` licenses after five years and the taking of a safety course outside the city of New York; sets a date for expiration and provides for a schedule for recertification to be developed by the commissioner of criminal justice services.  
1/7/04 Codes  
**Oppose**-renewal licenses and mandatory training.

**A5116**  
Ferrara - Makes it illegal to knowingly possess a rifle, shotgun or firearm in a premises licensed to sell alcoholic beverages; not applicable to on-duty police officers; makes such possession a class A misdemeanor.  
1/7/04 Codes  
**Oppose**-this bill would also exclude restaurants that serve alcohol.

**A5685**  
Ortiz - Makes it an offense to admit a child under 18 years of age to a gun show or similar event unless accompanied by a parent or guardian or an adult authorized by such parent or guardian; a violation of such provisions constitutes a class B misdemeanor.  
1/7/04 Codes  
**Oppose**-another attempt to stop youngsters from getting involved in shooting sports and to lower the attendance at gun shows.

**A5763/S3699**  
Towns/Sampson - Conforms state law with federal law regarding imitation weapons; empowers the attorney general to enforce federal standards and provides a private right of action against retailers by individual consumers injured due to the sale of a non-conforming toy gun.  
1/7/04 Econ. Dev. 1/7/04 Senate Codes  
**Oppose**-state law is more than adequate as is.

**A5822**  
Straniere - Expands definition of "armor piercing ammunition" to include any ammunition capable of piercing a bullet proof vest; prohibits possession of any kind of bullet that is capable of piercing a bullet proof vest.  
1/7/04 Codes  
**Oppose**-similar to A3861, A3316 and A3245. All redefine armor piercing ammo in terms so broad as to ban most rifle and pistol ammunition.

**A5855**  
Stringer - Prohibits the attendance of children under eighteen years of age at gun shows or stores by classifying such attendance as unlawfully dealing with a child; defines a "gun show" as any event at which twenty or more guns are offered or exhibited for sale, transfer, or exchange and at which three or more persons are each offering or exhibiting one or more guns for sale, transfer, or exchange; defines a "gun store" as an establishment primarily engaged in the sale of firearms, rifles, or shotguns at retail.  
1/7/04 Codes  
**Oppose**-See A5685 except this one goes one step further by not allowing a minor accompanied by an adult.

**A6124**  
Ortiz - Provides that a licensed gunsmith or dealer in firearms may not conduct business at a gun show or event held on state owned or leased property.  
1/7/04 Codes  
**Oppose**-see A3666

**A6698**  
Hooker - Provides for a new article to the constitution for the right to keep and bear arms; provides that the people shall have the right to keep and bear arms in defense of themselves, for lawful hunting and recreational use, and for any other lawful purposes and no county, municipality or other political subdivision of the state shall regulate, in any way, an incident of the right to keep and bear arms; provides that no law shall impose licensure, registration or special taxation on the ownership or possession of firearms or ammunition, nor shall any law permit the confiscation of firearms except those actually used in a felony, nor shall any law prohibit any specific model or class of firearm.  
1/21/04 Referred to AG for opinion  
**Support**

A6841  
Tedisco - Allows the use of deadly force during a home invasion by a person with a legally purchased firearm, who has started the process of registering such firearm, reasonably believes that another person is committing or attempting to commit an unauthorized entry of such dwelling and who reasonably believes that the use of deadly force is necessary to protect himself or herself or his or her family.  
1/7/04 Codes  
**Support**

**A6947**  
Lavelle - Relates to the possession of a firearm in a person's home or place of business, the criminal sale of firearms and the sale of a defaced firearm; increases penalties with respect to the criminal sale of a firearm.  
1/7/04 Codes  
**Oppose**-relates to possession of a firearm in your home.

**A6964**  
Farrell - Prohibits police in cities with a

population of one million or more from using magazine clips with more than 10 rounds of ammunition.  
1/7/04 Codes  
**Oppose**-if they can ban the use of magazines over 10 rounds to police then they can ban them for the average citizen.

**A7002, A/S5420**  
Paulin/Schneiderman - Requires the creation and imposition of restrictive commercial practices and stringent recordkeeping and reporting to prevent gun sales to criminals; such measures shall be promulgated by the superintendent of state police; requires liability insurance of at least one million dollars; restricts premises of sales; requires employee training; prohibits straw purchases; imposes additional license conditions.  
1/7/04 Codes 1/7/04 Senate Codes  
**Oppose**-This is a rehash of the old Smith & Wesson deal made with the Clinton administration.

**A7033/S3375**  
Cusick/Golden - Authorizes Triborough bridge and tunnel peace officers the right to temporarily stop and question persons and conduct frisk for weapons.  
1/7/04 Corporations, Authorites, Commissions 1/7/04 Codes Senate  
**Under review**

**A7039/S4453**  
Eddington/Schneiderman - Bans the sale, use or possession of 50-caliber or larger weapons and directs the division of state police to embark on a program whereby persons currently in lawful possession of such weapons may be reimbursed for the fair market value thereof upon turning such weapons in to a designated officer.  
1/7/04 Codes 1/7/04 Senate Codes  
**Oppose**-Not only would this bill ban modern 50 caliber rifles it would also ban many collectibles and early rifles. Curiously it doesn't include 50 caliber handguns.

**A7078**  
Aubry - Enacts the drug reform, drug treatment and crime reduction act of 2003  
1/7/04 Rules  
**Oppose**-Although the summary talks about authorizing the State Police to consult with the feds to test and evaluate pistols and revolvers and to set standards, I can't find the language in the text of the bill.

**A7333/S4602**  
Bing/Schneiderman - Adds semiautomatic rifles, shotguns or pistols or a replica or a duplicate thereof manufactured on October 1, 1993 and semiautomatic rifles, shotguns or semiautomatic pistols lawfully possessed prior to September 14, 1994 to the definition of assault weapon.  
1/7/04 Codes 1/7/04 Senate Codes  
**Oppose**-would remove grandfathering provisions of the assault weapons ban. What is now a legal pre-ban would become illegal to possess.

**A7475/S5561**  
Lentol/Skelos - Makes possession of any disguised knife the class A misdemeanor of criminal possession of a weapon in the fourth degree; defines the term "disguised knife".  
1/7/04 Codes 1/7/04 Senate Codes  
**Oppose**-another bill to ban an object rather than doing something about the criminal misuse of that object.

**A8054/S5477**  
Paulin/SCHNEIDERMAN - Requires sale, lease or transfer of rifles and shotguns between unlicensed persons shall be conducted through a federally licensed firearms dealer; makes exceptions; provides penalties.  
1/7/04 Econ Dev 1/7/04 Con. Protection Senate  
**Oppose**-would require any transfer of any firearm for any reason be done through a federally licensed dealer. Even if you loan your shotgun to a relative for a hunting trip you would have to do that through a dealer.

**A8282/S5017**  
Lentol/Volker - Creates additional crime of criminal possession of a weapon by a prohibited person; provides that a person is guilty thereof when such person has been convicted of a felony, and possesses a loaded rifle or shotgun, or any other firearm, loaded or not.  
1/7/04 Codes 1/7/04 Codes  
**Under Review**

**A8284**  
Lentol - Prohibits the possession, knowingly or unknowingly, of rifles, shotguns and firearms in or upon a school bus or school grounds used by a municipality for the purposes of a playground or neighborhood recreation center without written authorization of the municipality or educational institution.  
1/7/04 Codes  
**Oppose**-expands the definition of what would be prohibited areas for the possession of firearms.

**A8285**  
Galef - Restricts the acquisition of a pistol or revolver to one per thirty-day period; makes an exception for wholesale dealer or gunsmith or a duly licensed dealer of firearms.  
1/7/04 Rules  
**Oppose**-one gun a month laws have no effect on criminal activity.

**A8456**  
Paulin - Requires the creation and imposition of restrictive commercial practices and stringent recordkeeping and reporting to prevent gun sales to criminals; such measures shall be promulgated by the superintendent of state police; requires liability insurance of at least one million dollars; restricts premises of sales; requires employee training; prohibits straw purchases; imposes additional license

conditions.  
1/7/04 Codes  
**Oppose**-designed to harass gun shops out of business. Attempt to force the dead and mostly illegal Clinton administration agreement with Smith & Wesson on New York.

**A8542**  
Koon - Enacts provisions relating to the trafficking of weapons and for the firearm, rifle and shotgun ballistic identification bank; phases in reporting requirements for firearms and weapons.  
1/7/04 Codes  
**Oppose**-huge expansion of the ballistic data base system

**A8732**  
Koon - Provides for the inclusion of rifles and shotguns in the ballistics identification databank.  
1/7/04 Codes  
**Oppose**

**A8814**  
Lentol - Provides for the successful completion of a firearm safety course as a condition of firearm licensure; provides that the division of state police, in consultation with the department of environmental conservation, shall develop a firearm safety test to be administered to license applicants as part of the firearm safety course.  
1/7/04 Codes  
**Oppose**

**A9194/S5731**  
Stringer/SCHNEIDERMAN - Requires state agencies and certain covered authorities to purchase handguns from responsible suppliers; defines criteria therefore; provides for exceptions.  
1/7/04 Gvtl Operations 1/7/04 Rules  
**Oppose**-Attempts to force the old Smith & Wesson agreement on state agencies.

**A9195**  
Stringer - Makes manufacturers of guns liable to the state if their guns cause injury or death to a state employee acting within the course of his or her official duties; makes exceptions for compliance with a stated code of conduct or for weapons disposed of to military or law enforcement agencies or reported stolen.  
1/7/04 Judiciary  
**Oppose**-Makes manufacturers and sellers liable for third party criminal activity with firearms.

**A9196/A9267/S5730**  
Stringer/Espaillet/SCHNEIDERMAN - Makes manufacturers of guns liable for damages if their guns cause injury or death to a person within the state; makes exceptions for compliance with a stated code of conduct or weapons disposed of to military or law enforcement agencies or reported stolen; also makes exemptions for those committing or attempting to commit a crime, injured or killed by a law enforcement official, or self-inflicted injuries or deaths; does not limit other causes of action; permits indemnity and contribution.  
1/7/04 Judiciary 1/7/04 Judiciary  
**Oppose**-See A9195

**A9422**  
Cusick - Provides fees for possession of firearms are waived for retired federal law enforcement officers.  
1/15/04 Codes  
**Oppose**- another bill that grants privileges to former government employees that are denied to all other citizens.

**S39**  
Volker - Relates to fireworks, dangerous fireworks and novelty devices; establishes the crimes of criminal possession or sale of fireworks in the second degree, criminal sale of fireworks in the first degree, unlawful possession of fireworks, aggravated sale of fireworks and unlawful sale of ammunition.  
1/12/04 Codes  
**Oppose**\*--for the most part this bill deals with explosive and fireworks but then adds that line about having a pistol permit to purchase pistol ammunition. The wording of that line makes it virtually meaningless so why have it at all.

**S62**  
Alesi - Ensures compliance with required background checks on purchasers of guns consistent with federal requirements of the Brady Handgun Violence Prevention Act by providing an independent statutory basis for state enforcement; authorizes the state police and all municipal local police authorities to conduct random visits and inspections, during normal business hours, of transactions and records of gunsmiths and dealers in firearms to monitor compliance with this act.  
1/7/04 Codes  
**Oppose**\*-another bill creating a solution to a nonexistent problem. This bill would give state and local law enforcement agencies enforcement powers in relation to the background check portion of the Brady Bill, also give local and state authorities unlimited access to dealer records. The potential for abuse is too great.

**S218**  
Saland - Prohibits the possession, knowingly or unknowingly, of rifles, shotguns and firearms in or upon a school bus or school grounds used or owned by a municipality for the establishment and or maintenance of a playground or neighborhood recreation center without written authorization of the municipality or educational institution.  
1/7/04 Codes  
**Oppose**-more gun free school zone schemes.

**S253/A3957**  
Skelos/Weisenberg - Eliminates the intent to use

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