

NY S.A.F.E. Act Part Two

WHAT TO LOOK FOR in S.A.F.E. ACT Part 2



This is a preview of NY SAFE Part 2. These are real actual bills that will be voted on in 2015 and either signed into law by Cuomo and vetoed by Astorino. Still think the SAFE ACT doesn't affect you?

1. Safe Storage.
 2. Microstamping.
 3. Fifty Caliber Ban (Read carefully shot-gunners that weren't previously bothered by NY SAFE Act)
 4. Gun Dealer Insurance. Price increase anyone?
 5. Prohibits the Sale or Transfer in NY of guns that are not child proof.
 6. 30 day limit on gun purchase and record keeping nightmare.
 7. 10 day waiting period on gun purchases.
 8. Ammunition Coding Bill.
 9. Gun Rights Stripping Bill.
 10. Mandatory Insurance for Gun Owners.
 11. Reduces Pistol Permit from 5 years to every 2 years.
 12. Another 30 day bill for gun purchases.
 13. Minimum age for a gun show. Only those over 12.
 14. Many more.
- **A1796 Espiallit No Same as:** Requires that all pistol permit licenses expire every two years. Bill was first introduced in 2012. Note: The SAFE Act requires pistol permit recertification every five years.
 - **A3181 Kavanagh Same as S571 Gianaris:** Prohibits a person from taking possession of any firearm from a dealer unless 10 days have elapsed from the date the dealer initiated the National Instant Criminal Background Check System (NICS) background check of the purchaser and has received notice that the purchaser has passed all background checks required by federal, state and local law. Violators would be subject to class A misdemeanor, punishable by imprisonment, fine or both. Bill was first introduced in Senate in 2012.
 - **A3186 Kavanagh Same as S572 Gianaris:** Prohibits a person from purchasing more than one firearm from a dealer within a 30-day- period. Prohibits a dealer from selling or transferring a firearm to a person who has purchased or taken possession of a firearm within the previous 30 days. Requires dealers to request approval for sale from the Division of Criminal Justice Services (DCJS). Violators are subject to a class A misdemeanor, punishable by imprisonment, fine or both. Bill was first introduced in Senate in 2012.
 - **A3221 Paulin Same as S1804 Espailat:** Requires that weapons be stored with a safety locking device or in a safe storage depository when left outside the immediate possession or control of the owner or other lawful possessor. Removal from the premises where a firearm was stored unsafely subjects violator to a class A misdemeanor and to a class E felony if injury or death occurs to another person, punishable by imprisonment, fine, license revocation and weapon surrender. Bill was first introduced in 2004.
 - **A3244 Schimel Same as S68 Peralta:** Requires all semiautomatic pistols manufactured or delivered to any licensed dealer in NYS to be capable of producing a unique alpha-numeric or geometric code on at least two locations on each cartridge case expended from such pistol. Makes it a class D felony to willfully deface a microstamping component of a semiautomatic pistol, subjecting violators to imprisonment, fine, or both. Passed the Assembly, but died in Senate in 2008, 2010, and 2013. Bill was first introduced in 2008.
 - **A3322 Kavanagh Same as S7609 Squadron:** Bans the possession, sale or transfer of 50-Caliber or larger weapons. Exemptions include any muzzle loading rifle or shotgun with a rifled bore and 50-caliber weapons purchased prior to the law's effective date that are validly registered (similar to SAFE Act assault weapon registration). Passed the Assembly but died in Senate in 2010. Bill was first introduced in 2002.

- **A3364 Kavanagh Same as S574 Gianaris:** Requires all businesses that sell, lease or transfer firearms to apply for a dealer permit every three years to be issued by the Division of Criminal Justice Services (DCJS). Establishes numerous conditions for such businesses to meet in order for DCJS to grant, renew or deny said permit, and specifies numerous grounds for revocation of such dealer permit. Imposes extensive disclosure, siting, security, insurance and record-keeping requirements, in addition to requiring conspicuously displayed public warnings about firearms. Requires two physical inventories to be taken within the first 5 business days of April and October of each calendar year. Mandates the reporting by the permittee of any lost or stolen ammunition within 48 hours after such loss or theft became known to the permittee. Provides that any violation of this new article shall be a class A misdemeanor. Bill was first introduced in the Senate in 2012.
- **A3584 Englebright Same as S927 Serrano:** Prohibits the sale or transfer of a “child operated firearm” to another person. Defines “child operated firearm” as a pistol or revolver which does not contain a childproofing device, which would prevent an average five-year-old from operating it. Passed Assembly but died in Senate. Bill was first introduced in 2000.
- **A3908 Ortiz No Same as:** Require persons owning a firearm (not defined in the bill), prior to ownership or within 30 days of enactment for current owners, to obtain a liability insurance policy with a limit of at least \$250,000. Failure to do so would result in the immediate revocation of the firearm owner’s registration, license and any other privilege to own a firearm. Bill was first introduced in 2013.
- **A3941 Weisenberg Same as S3148 Krueger:** Establishes offenses when a person stores or leaves a loaded rifle, shotgun, or firearm out of his or her immediate possession or control without having first securely locked such weapon in an appropriate locked box or rendered it incapable of being fired by the use of an appropriate gun locking device. Provides for heightened penalties when such weapon is removed from the premises or discharged by another person who is under 18 years of age causing serious physical injury or death to another. Passed Assembly but died in Senate. Bill was first introduced in 1994.
- **A3942 Colton No Same as:** Provides that manufacturers or dealers may be held liable for all damages relating to any injury or death caused by the illegal discharge of a firearm to which a large capacity ammunition feeding device was affixed, except in cases of criminal behavior or if the ammunition feeding device was possessed by the military or law enforcement. Bill was first introduced in 2011.
- **A6088 Rosenthal No Same as:** Prohibits any person under the age of 12 from entering a gun show. Bill was first introduced in 2013.
- **A6390 O’Donnell Same as S5432 Parker:** Makes anyone convicted of a family offense crime (e.g., criminal mischief, harassment) ineligible to possess a rifle, shotgun, antique firearm, black powder rifle, black powder shotgun, or any muzzle-loading firearm. Passed Assembly but died in Senate. Bill was first introduced in 2009.
- **A8108 Camara Same as S4107 Adams:** Requires every manufacturer to code any ammunition for handguns and assault weapons sold or manufactured after January 1, 2014. “Coded ammunition” means a bullet carrying a unique identifier that has been applied by etching onto the base of the bullet projectile. Directs the State Police to create a database on all sales, loans, and transfers of ammunition within the state. Requires vendors to provide detailed information on ammunition purchasers to the database and charge the purchaser an additional \$.005 per bullet or round to be deposited into a new Database Fund. Requires all non-coded ammunition be disposed of by January 1, 2015 or subject sellers or owners of uncoded ammunition to a class A misdemeanor. Provides a three-year exemption for persons with valid hunting license. Willfully failing to comply would subject manufacturers and vendors to fines. Bill was first introduced in 2008.
- **A9468 Kavanagh Same as S7132 Gianaris:** Limits buyers to purchasing one firearm in a 30-day period and requires a 10-day waiting period before a buyer can take possession. Requires dealers to report any person

who attempts to purchase a firearm, rifle or shotgun but has been denied by the NICS background check to the State Police within 24 hours. Requires gun dealer employees handling weapons to pass background checks. Bill was first introduced in 2009.

- **A9963 Abinanti Similar to S7113 Parker:** Makes it a crime to knowingly manufacture, sell, ship, or possess an undetectable firearm, rifle, or shotgun or any of its undetectable major components. Bill was first introduced in 2014 and died in Assembly.
- **S41 Peralta Similar to A3280 Paulin:** Requires the imposition of restrictive business practices, recordkeeping and reporting for lawful gun dealers including requiring that every dealer carry insurance coverage against liability (at least \$1 million per incident) for damage to property and for injury or death of any person resulting from the sale, delivery, lease, or transfer of a firearm, rifle or shotgun. Prior version passed the Assembly but died in the Senate. Bill was first introduced in 2001.
- **S662 Sampson No Same as:** Establishes additional eligibility requirements for firearm license issuance and renewal to include: (a) completion of a course in firearm safety, use, maintenance, relevant laws, and first aid; (b) the requirement that persons be at least 18 years old; and (c) proving to the satisfaction of the licensing officer and the district attorney that there is an extraordinary likelihood that they may find themselves in a situation where they may have to use a pistol or revolver to protect themselves or others from imminent danger of death. Prohibits a pistol permit from being issued or renewed unless he or she obtains approval by the district attorney. Bill was first introduced in 2008.
- **S805 Adams No Same as:** Requires owners to register their firearms at the county clerk's office of the county where the owner resides, except in NYC. The registration must contain a brief description of each firearm, including any serial number, the owner's name, address, and phone number, and the location where the firearm is to be located when not in use. For any newly acquired firearm, the application must include where and how the firearm was acquired. A fee of \$15 for each firearm registered will be charged by the registering office and each registration must be renewed each year for a fee of \$10. The registration office must be made aware when any registered owner ceases to possess the registered firearm. Bill was first introduced in 2008.
- **S1796 Espailat No Same as:** Requires that all pistol permit licenses expire every two years. Bill was first introduced in 2012. NOTE: The SAFE Act requires pistol permit recertification every five years.
- **S1813 Espailat No Same as:** Makes the mere possession of armor piercing ammunition or selling or giving away armor piercing ammunition to another person, a class B violent felony, punishable by up to 30 years imprisonment. Bill died in Senate in 2012. NOTE: Current law criminalizes possession of armor piercing ammunition only if there is "intent to use unlawfully against another" as a class A misdemeanor, punishable by up to one year jail time.
- **S2388 Adams No Same as:** Makes it a felony to fail to report a lost or stolen firearm, rifle or shotgun to law enforcement within 24 hours and requires firearm license suspension. Bill was first introduced in 2013. NOTE: The SAFE Act increased failing to report from a \$100 fine to a class A misdemeanor.
- **S3587 Klein Same as A5663 Titone:** Bans possession of a firearm, rifle, or shotgun outside of a person's home while a person is intoxicated or his or her ability to safely possess such weapon is impaired by alcohol and/or drugs. Possessing a firearm, rifle, or shotgun while intoxicated is punishable by a fine of up to \$10,000 and a class A misdemeanor. Bill was first introduced in 2010.
- **S4175 Golden No Same as:** Defines "devastator ammunition" as any ammunition with a projectile or projectile core capable of being used in pistols or revolvers and designed to explode or detonate upon impact. Includes projectiles made of ceramics or polymer plastics within the definition of "armor piercing ammunition." Makes it a crime to possess armor piercing or devastator ammunition. Prior versions of this bill have passed the Assembly but died in the Senate. Bill was first introduced in 1996. NOTE: S.C.O.P.E is unaware of any projectile made of ceramic material and intended to be armor piercing.