

## GUN CONTROL

LWVUS' Statement of Position on Gun Control, as Adopted by 1990 Convention and amended by the 1994 and 1998 conventions:

The League of Women Voters of the United States believes that the proliferation of handguns and semi-automatic assault weapons in the United States is a major health and safety threat to its citizens. The League supports strong federal measures to limit the accessibility and regulate the ownership of these weapons by private citizens. The League supports regulating firearms for consumer safety.

The League supports licensing procedures for gun ownership by private citizens to include a waiting period for a background check, personal identity verification, gun safety education, and annual license renewal. The license fee should be adequate to bear the cost of education and verification.

The League supports a ban on "Saturday night specials," enforcement of strict penalties for the improper possession of and crimes committed with handguns and assault weapons, and allocations of resources to better regulate and monitor gun dealers.

The League acknowledges that the U.S. Supreme Court and the lower federal courts have ruled consistently that the Second Amendment confers a right to keep and bear arms only in connection with service in a well-regulated militia—known today as the National Guard. LWVUS' Statement of Position on Gun Control, as Adopted by 1990 Convention and amended by the 1994 and 1998 conventions: (***LWVUS Impact on Issues, 2006-2008, LWVUS, p. 77***)

Several bills (introduced by Assemblyman Silver and Senator Volker) to increase the penalties for firearms infractions were supported by the League, passed by the 1991 legislature, and signed into law by Governor Cuomo. The League actively lobbied in support of a bill sponsored by Assemblyman Koppell and Senator Frank Padavan to restrict the ownership of certain assault weapons. This legislation passed the Assembly during the 1993 session but was not addressed in the Senate.

During both the 1994 and 1995 legislative sessions, the assault weapons bill, now sponsored by Assemblywoman Matusow, passed the Assembly, but was not addressed by the Senate. Barring a repeal of the national assault weapons ban, future action on an assault weapons bill by the NYS legislature is unlikely. The LWNYS has supported this legislation because passage at the state level will allow local prosecutors to enforce the restrictions in state courts.

During the 1996-1997 legislative session no gun control legislation was seriously addressed. During the 1998 legislative session due primarily to the school shootings across the country there was renewed interest within the legislature to address gun safety where it pertains to children and guns. Late in the 1998 session, legislation was introduced by Assembly member Naomi Matusow that would require child safety locks on all guns sold in New York State. The League supports this legislation under the

LWVUS position on violence prevention. This bill passed the Assembly but was not addressed in the state Senate.

Again, in the 1999 legislative session, the League lobbied for the Matusow legislation and joined with New Yorkers Against Gun Violence in a coalition involving several groups around the issue of child safety and school violence. Following the Littleton Colorado violence and close on the heels of other school shootings across the nation the League lobbied for better restrictions of gun shows and background checks on weapons sold at gun shows and flea markets. School violence legislation passed the Assembly but was again not addressed in the state Senate.

The League had worked for several years in coalition with New Yorkers Against Gun Violence to pass sensible gun laws. Both houses of the legislature passed the Governor's bill and it went into effect on January 1, 2001. This comprehensive legislation will:

1. Establish criminal sanctions for possession and sale of assault weapons and large capacity ammunition feeding devices;
2. Requires that a gun locking device be provided when a rifle, shotgun or firearm is sold at retail;
3. Establishes a NYS ballistics identification databank;
4. Requires all sales at gun shows to be subject to a background check;
5. Establishes a minimum age of 21 yrs. for purchase of handguns;
6. Establishes a funded gun trafficking interdiction program;
7. Authorizes a study of the availability and effectiveness of existing technology for use of smart guns.

Action on gun control was limited to activity with the New Yorkers Against Gun Violence coalition in support of strengthening legislation to revoke firearms to individuals who have violated an order of protection which would change the standard from one "serious physical to "physical injury" which is easier to prove. The legislation did not pass during the 2001-2003 sessions. League will continue to follow and support this legislation.

During the 2004-2005 legislative session priorities for League action included:

1. A stronger state assault weapons ban, in the wake of the expiration of the federal assault weapons ban;
2. Reducing gun trafficking in NYS by making gun dealers follow responsible business practices;
3. Protecting victims of domestic violence from abusers who own or possess guns.

Neither house took any action.

However, in December 2005 the Governor called the legislature back into special session to deal with violence against police officers. Following a three-way agreement the legislature passed legislation to increase the penalties for killing a "peace officer" to life without parole. Legislation was also passed to increase the penalties for illegal gun use.

During the session of 2006/2007 the Assembly again passed legislation to provide child safety locks on all handguns in New York State. This same legislation was not addressed in the Senate. Also passed

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in the Assembly both sessions was legislation to ban the use of a fifty caliber machine gun, again this legislation was never addressed in the Senate.