

## 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, 2010-2012, p. 77*)

### Recent League Activity

Two recent Supreme Court cases make it clear that the Second Amendment protects the individual's right to possess a firearm, unconnected to service in a militia, and to use the firearm for traditionally lawful purposes, such as self-defense within the home.

In the 2008 case of *District of Columbia v. Heller*, the Supreme Court held that the District's gun control act, the [Firearms Control Regulations Act of 1975](#), violated the Second Amendment insofar as it banned handgun possession in the home and required that any lawful firearm be disassembled or bound by a trigger lock while in the home. In issuing its opinion, the Court noted that the Second Amendment right was not unlimited. It does not provide a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose: For example, concealed weapons prohibitions have been upheld. The Court's opinion should not be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.

In 2010, the Supreme Court extended the Second Amendment rights articulated in [Heller](#) to state attempts to ban and/or regulate guns. In *McDonald v. Chicago*, the Court held that the right of an individual to "keep and bear arms" protected by the Second Amendment is [incorporated](#) by the [Due Process Clause](#) of the [Fourteenth Amendment](#) and applies to the states.

The League anticipates that these two Supreme Court opinions will engender additional litigation, as individuals attempt to further define the both the scope of the Second Amendment right and the ability of the state to limit that right.

In January 2013, in the wake of the Sandy Hook Elementary School shootings in Connecticut, the legislature passed and Governor Cuomo signed into law the New York Secure Ammunition and Firearms Enforcement Act of 2013 (NY SAFE Act, A2388/S2230). Among the NY SAFE Act provisions are universal background checks on gun purchases, increased penalties for people who use illegal guns, mandated life imprisonment without parole for anyone who murders a first responder, and an assault weapons ban. The bill was passed using a message of necessity. The League joined its good government partners in praising the public safety goal of the anti-gun violence legislation, but criticized the use of a message of necessity, pointing out that the public interest is best served when public policy making includes robust public discussion and a transparent legislative process.

### **Past League Activity**

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. LWVNYS supported this legislation because passage at the state level will allow local prosecutors to enforce the restrictions in state courts. 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.

The League joined 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. **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. Legislation was also passed in the Assembly both sessions to ban the use of a fifty caliber machine gun, again this legislation was never addressed in the Senate.