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**Citizens Union of the City of New York
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For Immediate Release
January 15, 2013

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Good Government Groups Question Use of Message of Necessity

Public Safety Goal of Anti-Gun Violence Measure Laudable But Public Interest Not Served Well When Democratic Process Short Circuited

We recognize that protecting the safety of New Yorkers is a paramount public policy interest of the state. We also recognize that recent mass shootings involving high capacity rifles have once again placed the issue of gun violence front and center of the state's and nation's attention.

Though the desire of Governor Cuomo and the State Legislature for quick and comprehensive action in response to these tragic killings is understandable, we are concerned that public consideration of a large and multi-faceted change to the state's approach to gun violence is occurring without the benefit of a more transparent public process.

The message of necessity procedure exists to allow our state government to respond quickly when extraordinary circumstances exist such that it is warranted to waive the required public airing of legislation before final passage. This is a mechanism to be used rarely and only in those urgent situations that require them. We note that Governor Cuomo has used fewer messages of necessity than past governors - 34 times

in his first two years (29 in 2011 and 5 in 2012) – but too readily relies upon the procedure for getting complex measures through the legislature.

Of the fifty-six sections of the bill relating to changes to the law, only two go into effect immediately: Section 37 related to the definition of assault weapons and Section 38 related to the definition of “large capacity feeding devices.” Fifty-one of them go into effect in 60 days. Of the remaining three sections, segments of Section 48 related to eligibility for gun licenses goes into effect between 90 days and one year, and Sections 49 and 50 related to a statewide license and record database and record keeping by sellers go into effect in one year.

The desire to act swiftly on this controversial issue and put some aspects of it immediately into effect should not undermine democracy’s need for an open and deliberative legislative process. An open process would have allowed for a full public discussion of the many new elements contained within the bill. Yet the bill was only made available to the public yesterday when it was introduced and voted on by the Senate. We understand that legislators also had little, if any, time to review the bill’s many complex provisions before being asked to vote on it, clearly not a desirable situation.

New Yorkers can and will debate whether this legislation is good public policy and whether in the interest of public safety circumstances required such quick action and a short circuiting of established practice. But many know that the best supported public policies are also those that benefit from a robust public discussion and transparent legislative process.

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