

Advocating for Conservation and Sportsmen

Since 1933

GOVERNOR'S PROPOSED FIREARMS LEGISLATION

In the name of school safety, the Governor has proposed legislation that would empower a police officer, family member or any school official to petition the court for an "extreme risk protection order" against an individual that, if granted, would prohibit the individual from possessing any firearms.

This bill, A11148, was introduced in the Assembly on Saturday, June 9th and is scheduled for a vote on Thursday, June 14th. This is as fast as possible under Assembly rules. As of June 12th, no companion bill has been introduced in the Senate.

The intervention of law enforcement, health care professionals and the judiciary to deal promptly with any person who poses a serious threat to themselves or others is obviously of critical importance to public safety. Indeed, it is a fundamental rationale for developing governments. At the same time, this power must be no broader than necessary to fulfill a compelling interest and the rights of the individual must be safeguarded in the process.

In our opinion, this proposal goes beyond the pale:

- The bill would enable any full or part-time school employee who is in a position requiring a license or certificate to file a petition to the court for an "extreme risk protection order" against any individual. The individual need not be a student.
- Justification specified for such an order is dangerously broad. Among the grounds that the court can consider is "the recent acquisition of a firearm" or "any ammunition therefor."
- While the subject is provided with their day in court, it is after their firearms are seized. And would no doubt require attorney's fees in the thousands of dollars.

It also should be noted that after the firearms are seized, the system established by this legislation loses all interest in the respondent. This individual, who has just been deemed so dangerous that they must be stripped of their right to possess firearms, is turned loose with no requirement for supervision or treatment. It would seem appropriate that some attention be paid to the root cause of the threat.

This issue should not be treated as a "bill board" issue but should be thoughtfully addressed by the legislature - not rushed through in the final week of the legislative session.

It is important that your legislators know how you feel about this legislation. It is assumed that it will pass the Assembly so efforts should be directed at the Senate. If you don't know your

senator, now is a good time to get to know him or her. If you don't know their name or contact information, go to www.nysenate.gov.

Call, email or stop in today. The most effective voice with any legislator is that of a voting constituent - particularly one with friends who vote! And don't forget to tell those friends! And follow up! If a legislator actively supports your position and votes accordingly, be sure to send them a thank you. It is the right thing to do plus they will know you are watching.