

Spread the Word ASAP re: NYSP

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Written By Paloma Capanna

It appears the NYS Police are starting to roll out their conversion of the federally-licensed dealers in firearms onto their own NYS Police background check system, and that they are launching the ammunition background check system, as well. The target date is Wednesday, September 13, 2023. On that date, NYS-based dealers in firearms will be disconnected from the ATF/FBI NICS system and will be forced to communicate only with the NYS Police for firearms and ammunition background checks.

It also appears the NYS Police today have sent out an email to one or more NYS-located dealers to tell them to register to their system as part of a test group of selected dealers.

Among those “selected” are one or more of my clients from among the named Plaintiffs in the federal civil rights case of Gazzola v. Hochul.

As I write this blog, there are five cases, including Gazzola, waiting since March 20, 2023 for an appeals request for a stay of execution of a list of new 2022 laws challenged as unconstitutional under the Second Amendment, federally pre-empted, or otherwise violating other civil rights such as the Fifth Amendment. Among the requested items is precisely this: a stay of the ammunition background check system, a stay of the semi-automatic license requirement, a stay against NYSP taking over the background check system, and a stay against dealer inspections by the NYSP.

Rumors had started to circulate across the past 1-2 weeks. Then there was a drop-in to a dealer by the NYSP in the North Country. Then there was an email from the National Shooting Sports Foundation that they were on a “call” with the NYSP and they were transmitting some bullet points. Then the NYSP showed up at one of my client’s shops and started asking for help deciphering the new statutes, saying that the NYSP Joint Terrorism Task Force (“JTTF”) had received an email directing them to start the dealer inspections, but NYSP-JTTF had received no training and don’t know how to do an inspection.

Whether these couple NYSP officers are whistleblower(s) or playing dumb during an investigation, I don’t yet know. I transmitted a pointed letter to opposing counsel at the NYS AG’s Office this morning to try to get some answers. Nothing yet.

At about 1 pm this afternoon, one of my clients then received an email signed from “Angie” that he’s “selected” to participate in the trial of the new NYSP background check system. A scam? An AI joke? Conduct for which I could seek judicial sanctions?

So, in a rare blog, I put this out to alert you and ask you to forward this to all dealers you know. If anyone else has received the “drop-by” or the “invitation” or was otherwise on the “call,” please have them get in touch with me. paloma@2AMPatriot.com or send me a note through the contact page of my website.

It appears this whole breaking of the détente, at least while awaiting the Second Circuit decision, is because Gov. Hochul got shamed by the Democratic Party for costing them seats in the House in 2022 because she wasn’t sufficiently tough on crime. In fact, U.S. News & World Report wrote a lengthy article about it, complete with quotes from defendants in our lawsuit. It’s not the only press coverage.

Tough on crime? This is the same B.S. the Governor dished out last summer through her 10-bill package. Has she not noticed those statutes are the focus of eight federal civil rights lawsuits, filed by more than 100 plaintiffs, represented by more than a dozen private law firms from Washington, D.C. to Mississippi.

Too afraid to go after the real criminals is more like it. She's bullying law-abiding, federally-licensed, NYS-licensed dealers in firearms, who are the front line against illegal gun sales. It is because the industry doesn't sell to those persons disqualified at federal law that those bad actors take to the streets to steal and then modify and mutilate guns to commit the same crimes that got them disqualified in the first place.

Hochul is 180-degrees wrong in her approach. If she really wanted to do something about crime in New York, she could start by transmitting records of NYS-convicted criminals to the FBI for the nationwide NICS database to help federal authorities keep guns out of the hands of career gun criminals. But, no, Hochul proudly stands at the public microphone and says she won't turn over those records. No, the new law says and the state admits, she wants to build a single database of gun owners in New York.

These brave men and women who are your NYS dealers in firearms who are the Plaintiffs in *Gazzola v. Hochul* are the only people who stand between your privacy and your Second Amendment rights to purchase, to possess, and "to keep" your firearms and ammunition. Of course she's coming after them first. If Hochul can shut down FFL dealers in firearms, she can cut off your Second Amendment rights.

Again, if you can assist in getting the word out to the 1,791 FFL dealers and pawn brokers across the state, please do so ASAP. We need to try to measure this NYSP "invitation" and "ignorance" against whether it is NYSP conduct designed to target and threaten my clients.

Thank you for your assistance

About the Author

Paloma A. Capanna is an Attorney & Policy Analyst with more than 25-years of litigation experience, including litigation at the federal and state level for Second Amendment plaintiffs. Notably, Capanna represented the plaintiffs in *Robinson v. Session*, which revealed the connection between NICS and the Terrorist Screening Database, and also *McKay v. Cuomo*, which defined 18 U.S.C. §925A as available to individuals seeking to correct an erroneous municipal filing with the FBI of a NICS disqualifying event. Capanna is the recipient of several awards for her work, including the "Defender of the Constitution Award" from WYSL and the Sullivan Policy Institute. Paloma currently also holds the nonchalant position of antiques shop owner in North Carolina, which, she points out, "Isn't likely to last much longer, if a Second Amendment activist gets charged with a new crime of domestic terrorism." She is a regular guest on radio broadcasts and podcasts, including "The Second Amendment Radio Show" with Bill Robinson on WYSL and "Lock 'N' Load Radio" with Bill Frady. Coverage for this book also includes interviews with AmmoLand News, the Lockwood Phillips show "Viewpoints," radio show host Jim Quinn, Cheryl & Dan Todd of "Gun Freedom Radio," and "Assorted Calibers Podcast."