



August 2020

Legislative Officer Report

Guest speaker: Judge Peter Forman is seeking re-election to the Dutchess County Court. Judge Forman's bio and web address are contained on the last page of this report for reference.

This may seem redundant but it is more important now than ever. Modern elections on all levels are being decided by very small margins, so please remember every vote counts. As I promised a few months ago, I will start off my report every month with a reminder to stay informed, get out and vote and as an added note, encourage others to do the same.

Stay informed, get involved, and write your representatives, let them know where you stand on the issues and GET OUT and VOTE! I encourage all Dutchess County Pistol Association members to email and or call their respective legislative representatives on any legislative matters that are relevant to Second Amendment issues, including those mentioned below.

Firearm sales continue to soar across the U.S. for yet another month. Small Arms Analytics & Forecasting (SAAF) estimates "...the first seven months of 2020 now has nearly matched that of the entire year of 2019," and they are pretty close.

According to the FBI-NICS reporting information available from the Bureau, NICS checks for the seven-(7) month period January 1, 2020 through end of July 2020 (22,891,271), are approaching the whole year of 2019 total NICS checks (28,369,750). At this rate, with five-(5) months of reporting left, 2020 is sure to surpass 2019. NOTE: For many reasons, the number of NICS records checks do not necessarily mirror the number of actual firearm sales. View the NICS records checks totals from November 30, 1998 - present at: https://www.fbi.gov/file-repository/nics_firearm_checks_-_month_year.pdf/view

August 3, 2020 - 2ANYS founder Steve Felano spoke to a packed audience of 2nd Amendment and civil rights supporters at the "Cuomo Must Go" rally at the NYS Capitol in Albany. The message was simple. "We have all these infringements that are adding up..." When speaking on what we as citizens can do about these governmental infringements and overreaches, he mentioned a few ways we as citizens have to redress our grievances. He included in his comments the use of the ballot box on Election Day and the jury box. **PLEASE GET OUT AND VOTE!!!**

August 6, 2020 - NEW YORK: After an 18 month investigation Governor Andrew Cuomo's goon squad, Attorney General (AG) Letitia James and her anti-gun, anti 2nd Amendment cronies continued their attack on the National Rifle Association (NRA). Using our tax dollars, she filed a lawsuit seeking to dissolve the NRA. AG James charges the organization as a whole as well as Executive Vice President Wayne LaPierre, former Treasurer and Chief Financial Officer (CFO) Wilson "Woody" Phillips, former Chief of Staff and the Executive Director of General Operations Joshua Powell and Corporate Secretary and General Counsel John Frazer with failing to manage the NRA's funds and violating numerous NYS and federal laws. Surely another way to rattle the

NRA, its members and other 2nd Amendment supporters, as well as a way to deplete financial stability, divert resources from the NRA's mission and its efforts to promote 2nd Amendment supportive candidates in the 2020 election cycle.

Any reasonable person would agree, if found guilty, the guilty defendant(s) should be held accountable. The AG seeking dissolution of the NRA for the alleged wrongful actions of individual defendant(s) can be construed as an overreach and an abuse of her lawful authority. The official press release can be read at: <https://ag.ny.gov/press-release/2020/attorney-general-james-files-lawsuit-dissolve-nra> and the 169 page Summons and Verified Complaint can be read at: https://ag.ny.gov/sites/default/files/summons_and_complaint_1.pdf

In late July, the New York Supreme Court ruled and ordered the New York City Police Department (NYPD) to provide the NY Daily News with a list of the names, ZIP codes, and license categories of all individuals in the city who obtained firearms licenses in 2018, pursuant to a Freedom of Information Law (FOIL) request previously denied by the NYPD. While this particular request was for 2018 info, the ruling opens the door for similar requests for licensee information across the state.

How many of you have applied for the exemption of your licensee information from release? Did you know the NY SAFE Act allows firearms licensees to request that their information not be made public? Requests can be denied unless they meet certain specific criteria. "The SAFE act, "...requires disclosure of the names and addresses of gun licensees unless they have applied for *and been granted* an (opt out) exemption under the statute." The NY SAFE Act protects the privacy of pistol license holders by permitting them to notify a County Clerk that they do not wish for their information to be released publicly. Under the law, current licensees and new applicants may make this request/notification to their licensing authority using a form approved by the Superintendent of the New York State Police. If you possess a NYS Pistol License issued by the County of Dutchess and wish to request to "opt out" and protect your privacy, the [NYS Firearms License Request for Public Records Exemption Form \(.pdf\)](#) is used to exercise the "opt out" (FOIL exemption) provision for pistol licensees.

Mail or return (in person) the completed form to:

Bradford Kendall
Dutchess County Clerk
22 Market Street
Poughkeepsie, New York 12601

There has been no noteworthy activity in either NYS legislative body or on the federal level relating to any of the previously reported proposed legislation, highlighted below.

A.2847 if passed would require owners of firearms in NYS to purchase and maintain a minimum of \$250k in liability insurance. It is not known if such a liability policy type currently exists, or what the cost of such a policy would be. Failure to maintain insurance in the minimum required amount would cause immediate revocation of the owner's registration, license and privilege to own or possess such firearm. Of note, similar legislation has been introduced several times over the years, dating back to the 2013-2014 legislative session and has never gained traction. The current bill was introduced in 2019, and was again

referred to the Insurance Committee on January 8, 2020, which is where it currently sits. You can view the text of the proposed legislation at: <https://www.nysenate.gov/legislation/bills/2019/a2847>

S.7065/A.1589, would require a purchaser of any firearm, rifle or shotgun to submit to a mental health evaluation and provide the seller with his or her approval to purchase such firearm based on that mental health evaluation. The bill was introduced to the Senate earlier this year and there is a NYS Assembly version of this bill (A1589). The bill has been sent to the Senate's Consumer Protection Committee for further action. At this time, the bill hasn't been scheduled on the Senate's "On Floor Calendar" and remains with the Senate Consumer Protection Committee. This is a piece of legislation we saw introduced in the 2017-2018 legislative session as A. 10259 and an amended version was introduced earlier this year. This is legislation we need to monitor closely. You can read the full text of this proposed bill at: <https://www.nysenate.gov/legislation/bills/2019/s7065>

The "stand your ground" bill (S. 7915/A-10114) which specifically relates to justified use of physical force, remains in the NYS Senate Codes Committee being reviewed. This bill will amend the NYS Penal Law, NYS Criminal Procedure Law as well as the NYS Civil Practice Laws & Rules. Passage would remove the duty to retreat and provides civil and criminal protections for justified use of force in places the defender is lawfully permitted to be. This bill was introduced earlier this year and was sent to the Senate's Codes Committee, where it presently sits awaiting further action. You can review the complete text of the legislation at <https://www.nysenate.gov/legislation/bills/2019/s7915>

Please consider contacting your state Senator and your state Assembly representative and urge them to support S. 7915/A-10114.

On the federal level, H.R. 5717/S. 3254 "The Gun Violence Prevention and Community Safety Act of 2020" was introduced on January 30, 2020 and on March 10, 2020, it was sent to the Senate Finance Committee, subcommittee on Crime, Terrorism & Homeland Security. There has been no documented action in either the House or the Senate on this proposed legislation, yet it remains "Active." You can review the complete text of the legislation at <https://www.congress.gov/bill/116th-congress/house-bill/5717/text> or all actions regarding this proposed legislation at: <https://www.congress.gov/bill/116th-congress/house-bill/5717/all-actions>

An invitation was extended to Judge Peter Forman to speak to the membership and he accepted. The Judge is endorsed by the Dutchess County Sheriff's Office PBA. Forman won the Independence Party primary election and is certain to run on the Republican, Conservative and Libertarian party lines as well. The Judge's message to the public is that he is seeking another term so that he may continue the hard work of presiding over both criminal and civil matters concerning our County, as he has over the past 20 years.

"Whether on the bench in Dutchess' Family Treatment Court, Juvenile Treatment Court or County Court, I have always held myself to the highest standards of fairness and faithfulness to the law. These standards are the number one reason you have trusted me with the gavel, and I will continue to justify that trust as long as I am on the bench.'

Dutchess County Court Judge Peter M. Forman is a lifelong resident of Beacon. He graduated from Our Lady of Lourdes High School, LeMoyne College and the University of Dayton School of Law. Forman served as a prosecutor in the Dutchess District Attorney's office, as law clerk to County Court Judge Thomas J. Dolan and as Beacon City Attorney before his election to Family Court in 1999. While serving as Family Court Judge, Forman created the Dutchess County Family Treatment Court and the Juvenile Treatment Court, and presided over both for more than eight years. Judge Forman was elected to the County Court bench in 2010 and presides over the Diversion Court, which facilitates the recovery of defendants charged with non-violent felonies who are battling substance abuse and addiction.

During his 20 years on the bench Judge Forman has remained active in the Dutchess County community, having served as:

- President, Dutchess County Bar Association
- President, Exchange Club of Southern Dutchess
- President, Parish Council of St. Joachim-St. John the Evangelist Church (Beacon)
- Member, adjunct faculty, Marist College (Family Law, Criminal Justice)
- Member, adjunct faculty, Dutchess Community College (Family Law, Criminal Justice)

Judge Forman lives on the family homestead in Beacon with his wife of 40 years, Anne, who is an artist and retired educator. They have raised three daughters -- Kathryn Ortiz, Maureen Forman and Becky Forman -- and have two wonderful granddaughters, Maeve and Ysolt. Please visit:

<https://www.judgepeterforman.com>

Respectfully submitted,



Gregg Buddenhagen

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