



December 2020

Legislative Officer Report

In recent months, I've been delegated with the task of ensuring our memberships in affiliated 2nd Amendment support and firearm relevant groups are maintained current with up-to-date contact information. As of this date, our memberships in the NYS Rifle and Pistol Association (NYSRPA) and the Shooter's Committee on Political Education (S.C.O.P.E.) are set through the end of 2021. I will be continuing this effort throughout the remainder of 2020 and beyond to ensure we are current.

I've been in contact with the Membership Chairman, Don Smith, for the Shooter's Committee on Political Education (S.C.O.P.E.). Smith and S.C.O.P.E. President, Tom Reynolds, are interested in attending a membership meeting of the D.C.P.A. to discuss some of their current and upcoming endeavors. These topics include an expansion of the current thirty-30 county level chapter committees established throughout N.Y.S. to assist in representing S.C.O.P.E. across N.Y.S.

Due to scheduling, time and distance challenges, the D.C.P.A. Executive Committee has authorized a Zoom conference appearance of S.C.O.P.E. at an upcoming meeting. I will be coordinating the Zoom appearance, date TBD.

As you may know, many of the results of the November 3rd elections on many levels are still unclear and not certified. Numerous court actions have been filed in several states and it was announced late last month the US Department of Justice will be investigating what have been termed irregularities and anomalies in the election. Some of the issues appear simpler than others, but all lead to question the integrity of the voting process and results. Just recently, a video from the State Farm Arena surfaced and was presented to the Georgia State Senate during their hearings on election issues. This particular video revealed a few things of interest regarding election integrity. The video shows poll workers placing a table in the counting room after the room was already setup. It also shows poll workers removing secreted cases containing ballots from under a covered table in the counting room after election count observers were directed by poll workers to leave for the evening. Observers were allegedly told counting was done for the night and to return the next morning when counting would start back up. The video shows ballots continued to be counted for hours in an apparent violation of law, after observers were directed to leave. It also calls into question how the cases of ballots came to be placed under the table, and why, if legitimate and legally cast ballots, they were stored in an orthodox manner in hidden cases. Stay tuned for more on this and other election news!

According to the FBI-NICS reporting information available from the Bureau, NICS checks for November 2020 totaled 3,626,335, up 320,870 from October's 3,305,465 records checks. According to the records reported to date in 2020, NICS

checks have topped last year's total by almost 7.5 million, current year to date checks 35,758,249 and we still have the full month of December to tally.

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

NOTE: For many reasons, the number of NICS checks do not necessarily mirror the number of actual firearm sales.

2nd Amendment and other firearms related litigation and legislation, including but not limited to those listed below are being monitored.

NOTE: As of the writing of this report, there has been no noteworthy activity on previously reported on proposed legislation listed below as the legislative bodies are not currently in session.

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>

From the NRA – Institute for Legislative Action (ILA)

The NRA-ILA is hosting their annual Firearms Law and 2nd Amendment symposium on 12/11/2020. The symposium will be live, free, hosted virtually and should be very informative. Visit this link for more information and to register. [NRA-ILA | 2020 Virtual NRA-ILA Firearms Law & The Second Amendment Symposium](#)

In the case of the People of the State of New York (PSNY) v The National Rifle Association (NRA) case in New York County Supreme Court, Index Number: 0451625/2020, several recent updates have been made to the case file on NYS Courts eTrack system. The NRA has filed several motions, including to a motion to dismiss the suit (in whole or part), for a change of venue and others like changes of counsel. On 11/19/2020, the motion appearances in the case were adjourned by Judge Joel M. Cohen to two future dates. 01/04/2021 for at least two of the motions and 01/11/2021, at 11:00 a.m. for Oral Arguments on other motions. To date, other than changes to defense counsel, there have been no rulings on any of the other motions.

Respectfully submitted,



Gregg Buddenhagen

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