



January 2021

Legislative Officer Report

I've been in contact with the Membership Chairman, Don Smith, for the Shooter's Committee on Political Education (S.C.O.P.E.). Don and S.C.O.P.E. President, Tom Reynolds, expressed interest in joining us as guest speakers at a D.C.P.A. membership meeting. I was hoping that would have been our January meeting, but we were unable to confirm availability with everyone in time. Currently, they are scheduled to appear at our February 26th membership meeting via a Zoom conference. One of the things we discussed at length via telephone and something they surely will be touching on during the Zoom conference is their desire to expand their presence in NYS. They are looking to implement committees and then chapters on the county level throughout NYS in areas where they are underrepresented. While they have individual members in Dutchess, Orange and Putnam counties, they do not have committees or chapters in this area. Simply put, a local committee/chapter gives them greater access to more legislators on the federal, state, county and local levels to foster their mission of protecting our Second Amendment rights through political education. Learn more about S.C.O.P.E by visiting their website <https://scopeny2a.org>

I am working on a list of organizations such as the NRA, NYS Rifle & Pistol Association, etc. that the D.C.P.A. maintains membership in, and ensuring the memberships are up to date and maintained as such. The plan of the Executive Committee (E.C.), is that the list of these memberships is maintained in one concise list and managed by one E.C. member, so can be easily maintained from year to year for uninterrupted membership and passed along during the transitional period from E.C. to E.C. to ensure there are no lapses in membership. The list and membership statuses should be complete shortly.

According to the FBI-NICS reporting information available from the Bureau, NICS checks for the month of December 2020 totaled 3,937,066 up 310,731 from November's NICS records checks. According to the FBI, there were 39,695,315 total records checks reported in 2020, which topped the 2019 total of 28,369,750 by 11,325,565.

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.

January 2021, brings us a new year and the start of new legislative sessions on the NYS and federal levels. Legislative sessions run for 2 years. The current NYS

Legislative session is the 244th Session in NYS. It runs from January 6, 2021 and adjourns in June 18, 2021, then reconvenes in January 2022 and runs through end of December 2022. Since convening, **Gov. Cuomo has already signed 22 pieces** of NYS Senate originated legislation into law. **None of which are firearm or Second Amendment related.**

In his statement opening the 244th Legislative Session, NYS Assembly Speaker Carl Heastie said,

“...When we saw the gun violence epidemic spreading across our nation, we passed comprehensive common sense legislation that would keep guns out of the hands of dangerous individuals, ensure background checks, keep guns out of our schools and help get illegal guns and modifications off our streets. We know that guns are still too accessible and we must do more to stop the senseless gun violence plaguing our communities.” This gives rise to concern about what’s to come here in NYS on the legislative front. I’ll be monitoring and reporting back to you as things happen.

I’ve had several conversations with people over the past couple weeks and have read some confusing information as well regarding previously proposed legislation. One example that has surfaced multiple times in the past couple weeks is H.R. 5717. This was the U.S. House of Representatives Bill that amongst many other things sought to impose universal background checks for firearm and ammunition purchases, to impose firearm storage regulations, a ban on all “assault” weapons (including semi-auto shotguns with pistol grips), magazine capacity limitations, as well as setting aside \$50m (that’s \$50,000,000) for researching gun safety and gun violence and the imposition of insane taxes (30% on pistols and other firearms and 50% on ammunition). This is merely the tip of the iceberg and barely touches of the depth of this 260 page proposed legislation. Read the full bill at [BILLS-116hr5717ih.pdf \(congress.gov\)](#). For purposes of this discussion on a very brief overview of the legislative process on both the federal and state levels as it relates to proposed legislation and current legislative sessions, I’d like to focus on H.R. 5717 because it is recent and relevant. Here is the text of an email I sent to a member last week in response to an inquiry about H.R. 5717.

“As you may know, H.R. 5717 was introduced on 01/30/2020, during the 116th Congress, by Rep. Henry Johnson (D), of Georgia. On that same day, it was referred to the Committee on the Judiciary as well as to the Committee on Energy and Commerce, and the Ways and Means Committee. Then, on 03/10/2020, it was referred to the Subcommittee on Crime, Terrorism and Homeland Security, where it died when the 116th Congress ended on 01/03/2021, and the 117th Congress convened. Right now, H.R. 5717 is moot, but time will tell if the anti-firearm, anti-Second Amendment politicians propose something similar in the newly convened legislative bodies.”

On both the federal and state levels, when a session of the legislature where a bill was introduced ends before that bill is signed into law, that bill dies. That said, it may reappear in a following legislative session in whole or in part and possibly under a new

name or identification number. Only time will tell how this plays out with regard to gun grabber legislation.

As a general thought, we encourage individuals to become familiar with proposed legislation that impacts the Second Amendment, and to know who your elected representatives on both NYS and federal levels are and let them know as their constituents, where you stand on these matters. Several people have recommended a pre-formatted template that can be sent by constituents (via email or mail) to their representatives. This idea is being considered, but in an effort to not re-invent the wheel as the saying goes, there other Second Amendment organizations in place that already do this. I am examining the options, for future efforts and will keep you posted.

H.R. 38 - Newly reintroduced legislation on the federal level, by Rep. Richard Hudson (R-NC), and a long list of co-sponsors, the Concealed Carry Reciprocity Act, which would give more meaningful effect to those rights by ensuring they stay intact as travelers crossed state lines. **I encourage you to contact your US representatives and urge them to support this legislation.** This same bill was originally introduced in the 115th Congress in 2017, by Rep. Hudson and died at the end of that Congress. In short, H.R. 38 if passed would correct these injustices. It would recognize the right of travelers to carry who:

- May lawfully possess and receive a firearm under federal law.
- Are carrying photographic identification issued by the U.S. or a state government.
- Have a concealed carry permit or reside in a state that otherwise provides for lawful concealed carry.

to carry in other states that provide a means of lawful concealed carry for the state's own residents. Read the full 7 page text of the proposed legislation at [BILLS-117hr38ih.pdf \(congress.gov\)](#).

H.R. 127 - Another newly introduced piece of legislation is H.R. 127, introduced by Rep. Sheila Jackson-Lee (D-TX). Read the full text of this 19 page bill at [BILLS-117hr127ih.pdf \(congress.gov\)](#). **I encourage you to contact your US representatives and urge them to NOT support this legislation.** This legislation includes three different types of federal firearms licenses and various criteria to be met to obtain said licensing. Some of which include:

- the owner to be 21 years old, even though you can vote, drink and join the military at 18. The Attorney General will probably need a picture ID although that isn't in the bill.

- the owner to also have an insurance policy issued by the government with an \$800 annual premium. (That’s right, \$800 per year.) It is not clear if this is \$800 per firearm or not.
 - the owner will also undergo a psychological exam by a licensed psychologist.

Please consider helping the American Firearms Association in their fight against this legislation by signing their petition against H.R. 127 [Help us defeat H.R. 127 -- sign your petition against it NOW](#)

Just like H.R. 5717 mentioned above and below, [the following NYS legislation proposals died at the end of NYS’s recently ended legislative session.](#) As such, they too are now moot, but while they are off the table now, please don’t forget them, because I for one would not be surprised to see them surface again.

[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>

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)

On January 15, 2021, the National Rifle Association of America ("NRA") announced it will file for bankruptcy protection in New York and restructure the Association as a Texas nonprofit to exit what it believes is a corrupt political and regulatory environment in New York. The move will enable long-term, sustainable growth and ensure the NRA's continued success as the nation's leading advocate for constitutional freedom – free from the toxic political environment of New York.

[Press Release — NRA Dumps New York to Reincorporate in Texas \(nraforward.org\)](#)

On January 13, 2021, the NRA-ILA wrote a piece about President Biden's campaign promise repeal the Protection of Lawful Commerce in Arms Act (PLCAA), enacted in Congress in 2005, to provide a floor of protection nationwide.

[NRA-ILA | Biden Plots Sneak Attack Against U.S. Firearms Industry](#)

From your Legislative Officer

There are several 2A friendly organizations with an abundance of information and petitions against the anti-2A legislation. I encourage you to check out their websites for additional information and resources.

NRA – Institute for Legislative Action [NRA-ILA | Home](#)

Shooters Committee on Political Education - [S.C.O.P.E. - Shooters Committee On Political Education - Dedicated dedicated to preserving the 2nd amendment rights for the residents of New York State \(scopeny2a.org\)](#)

NYS Rifle & Pistol Association - [NYSRPA | New York State Rifle and Pistol Association | NYS Firearms Advocacy](#)

NYS Firearms Association - [Home - New York State Firearms Association](#)

Respectfully submitted,



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