

# July 2020 - DCPA Legislative Officer Report

Gregg Buddenhagen - Legislative Officer - Dutchess County Pistol Association  
July 14, 2020  
(Meeting location – DCPA Clubhouse)

**Guest speaker: Republican Primary winner and candidate for Sullivan County District Attorney – Judge Frank J. Labuda (Ret.) Judge LaBuda’s credentials are contained on the last page of this report for reference.**

Modern elections on both the local and national levels are being decided by small margins, so now more than ever, every vote counts. As I promised a few months ago, I will start off my report with a reminder to stay informed and get out and vote.

As a reminder, Governor Cuomo has declared gun control his "legacy issue." Also, remember, I previously reported on a Siena Research Institute poll that shows the supportive following the SAFE Act has. It is popular with many New York voters. Five years after the SAFE Act was enacted, polling showed support by 74% of voters in New York City and 61% in the suburbs, including Long Island which will again be a battleground in the fall elections. A mere 48% of upstate voters support the act. The take away is Gov. Cuomo and his colleagues have their sights set on law abiding gun owners with their proposed gun control bills. Gov. Cuomo, earlier in the year, in his budget there were several gun control measures and numerous other pieces of legislation are still active in the legislature.

During these times of political and civil unrest, there is much going on with related firearms legislation. As ambassadors of firearms safety and sports, we should know, the current trend of laws are tightening restrictions on firearms related matters. It is imperative we remember this is an election year. We must express our views to our political representatives and GET OUT AND VOTE!

We must stay informed, get involved, and write our representatives and let them know where we stand on the issues. 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.

As predicted last month, June 2020 gun sales in the U.S. soared for yet another month, amidst Coronavirus concerns, recent protests, riots and civil unrest.

Small Arms Analytics & Forecasting (SAAF) estimates June 2020 U.S. firearms unit sales at 2,387,524 units, a year-over-year increase of 145.3% from June 2019. Likely single handgun sales (1,511,714) increased year-over-year by 177.5% whereas single long-gun sales (690,212) increased year-over-year by 114.3%. All other likely background check-related sales (185,599) increased year-over-year by 74.0%. This includes so-called “multiple” sales where the allocation between handguns and long-guns cannot be determined from the data record.

SAAF's firearms unit sales estimates are based on raw data taken from the FBI's National Instant Criminal Background Check System (NICS), adjusted for checks unlikely to be related to end-user firearms sales. The full report can be viewed at: <https://www.ammoland.com/2020/07/u-s-firearms-sales-june-2020-unit-sales-soar-once-more/#axzz6SCbJNUgV>

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.

S. 7065/A. 1589, would requires 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 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.

I previously reported on H.R. 5717/S. 3254 "The Gun Violence Prevention and Community Safety Act of 2020." It 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 and it currently remains with the Senate Finance Committee, subcommittee on Crime, Terrorism & Homeland Security. You can review the complete text of the legislation at <https://www.congress.gov/bill/116th-congress/house-bill/5717/all-actions>

A civics refresher - A bill must be passed in both the House and Senate in identical form, and then must be signed by the President to become law.

The following is a letter from Judge Frank J. LaBuda (Ret.):

I write this letter to humbly request your endorsement for the [November 3rd](#) election for Sullivan County District Attorney.

My legal experience in Prosecution both at the Federal and State levels, and as an elected NYS Judge spans over 38 years.

I was born and raised in the Bronx and graduated Phi Beta Kappa from NY City University. After teaching Biology at Public School 138 in the Bronx I attended Case Western Univ. School of Law on a scholarship, and graduated in the Top 25% of my class in 1974.

Many high school friends served in Vietnam, and my father and uncles all served in combat in WW2, so upon graduation I enlisted in the US Army and served as a Captain Judge Advocate prosecutor for 3 years.

In 1978 I chose to return home to Wurtsboro and worked for DA Joseph Jaffe for 4 years. As Chief ADA, I, myself tried many jury trial felonies including two murder cases. I presented hundreds of felonies to Grand Juries.

I was also appointed by the Sullivan County Board of Supervisors as the first STOP DWI Coordinator. I organized the first state wide Training class / seminar for Prosecutors which I held in Monticello, NY. Serving without any additional compensation for over five years.

The Recovery Center for Alcohol n Drugs was the first in our County and I was a charter Member. We now know it as Catholic Charities, in Monticello.

I was also an organizer of the first Arson Task Force in S.C., and a member and past President of the Wurtsboro Fire Company, and the Sullivan County Volunteer Firefighters Association.

I stayed in the DA's Office as Chief ADA for over 7 years under DA Stephen Lungen, and tried myself many more felony jury trials including another murder case. Search Warrants, Grand Jury presentations, Superior Court Prosecutions and participating in local and State Police drug raids, Justice Courts, and Police training were my constant work load through 1989.

In addition, I volunteered to work with Elks, Lions, Rotary, Masons, Schools, and Boy Scouts in youth programs, especially through STOP-DWI.

In 1991, I volunteered again for active duty, leaving behind my wife and 3 little boys, to serve in Desert Storm, under fire, and in the oil fields of Kuwait. (Closing down my sole practice of Law in Wurtsboro.)

In 1993, I was elected Town of Mamakating Judge (next to NYSP Wurtsboro).

In 1996 I was elected Sullivan County Judge and Surrogate, (with DAs Lungen and Farrell) presiding over 7,000 felony cases and innumerable search

warrants, Extraditions, Habeas and other Article 78 Petitions. Re- elected twice without any opposition.

I worked tirelessly on my thousands of written decisions, and I am proud that over 200 were PUBLISHED as written precedent in NY for criminal, civil, surrogate and evidentiary issues. I exercised sound Constitutional discretion in issuing over 10,000 pistol permits to law abiding citizens, and also worked hard with the SC Sportsmen's Association to protect the rights of hunters n landowners.

For the past ten years I have volunteered to work n lecture overseas in Africa and Eastern Europe to Judges, Prosecutors, and Law Students on US criminal law and procedures. Much of this work was done through the US State Department and Embassies. (Please note this was done without compensation and on my vacation time!)

For 23 years my record and life on the Bench in NY speaks to my commitment to fairness, law enforcement and our Nation both here and abroad. I look forward to leading my office and our law enforcement community for a better and safer County.

I will never accept the status quo, and will bring the values and expedited procedures that I brought to the SC Court to prosecution in Sullivan County. As I completely eliminated the historic backlog of case in County Court, I will also eliminate the back log of cases pending prosecution. I believe the victims of crime and our police deserve prompt, speedy and efficient prosecution.

Thank you for your consideration.

Judge Frank J. LaBuda Ret.  
Fmr. Major US Army  
Chief Counsel, Sobo & Sobo LLP.  
Member of Uganda Judicial Officers Association

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Respectfully submitted,

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