

# May 2020 - DCPA Legislative Officer Report

Gregg Buddenhagen - Legislative Officer - Dutchess County Pistol Association

May 19, 2020

(via Zoom – Web Conferencing)

During these times of political 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 tightened 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!

The NY Times reported, Bloomberg said he would spend in the area of \$60 million to defeat President Trump's run for a second term in the White House and to flip the U.S. Senate. You can see how strong his intent to see President Trump defeated is by some of the things he has said. According to the press, Bloomberg said, he would do so, no matter who the DNC's nominee is, even if it is someone, he had sharp differences with, like Bernie Sanders or Elizabeth Warren.

I will reiterate this next sentiment forever to anyone who has the faculties to do so; 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.

On May 14, 2020, with U.S. gun sales soaring during the Coronavirus pandemic, a group of 15 Senate Democrats who include Minority Leader Chuck Schumer of New York is introducing legislation calling for new restrictions on untraceable "ghost guns."

These particular guns, made using gun kits or using 3D printers and are sometimes referred to as "80 percent guns" because they haven't reached a level of manufacturing that meets the legal definition of a firearm, These weapons have no serial numbers, as compared to guns sold by federally licensed gun dealers. There's also no requirement to obtain a federal background check for anyone who buys a kit and builds such a weapon, and they can be sold by unlicensed dealers. The efforts of these Senate Democrats would require that all guns sold in the United States after Jan. 1, 2022, can be traced by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Last month I reported on H.R. 5717/S. 3254 "The Gun Violence Prevention and Community Safety Act of 2020." There has been no documented action in either the House or the Senate on this proposed legislation. I ask members to review the bill which highlights the following as well as some additional hidden language:

- Create a nationwide gun registry
- Ban almost all semiautomatic rifles
- Institute a federal Magazine Ban
- Implement national "Red Flag" gun confiscation
- Tax guns at 30% and ammo at 50%

- Ban anyone under 21 from owning a gun
- Ration guns by making it illegal to purchase more than one firearm in a 30-day period
- Force “Safe Storage” requirements on gun owners
- Ban home builds
- Ban suppressors
- Force Federal Firearms Licensees to spend massive amounts of money to comply with new “security” requirements
- Expand “Gun Free Zones”

On May 18, 2020, **2ANYS**, a New York State based 2<sup>nd</sup> Amendment support group announced at a rally in Buffalo, that they and another similar group “The People”, have partnered with **The Firing Pin, LLC** of Bergen, N.Y. to launch a comprehensive lawsuit against members of the Cuomo regime, citing a myriad of emergency power abuses amid the COVID-19 pandemic. The suit was filed in the U.S. District Court for the Western District of New York on Friday, May 15, 2020.

The lawsuit has numerous plaintiffs, who each have suffered losses and seek amongst other reliefs, a declaratory judgment that the actions of the defendants described herein infringe on the rights of the plaintiffs in violation of the First, Second, Fourth, Fifth, Ninth, Tenth and Fourteenth Amendments to the United States Constitution and the Guarantee Clause, the Interstate Commerce Clause, the Privileges and Immunities Clause of the Constitution and are null and void. Additionally, the plaintiffs seek issuance of preliminary and permanent injunctions enjoining the defendants and their officers, agents, and employees from administration and enforcement of the provisions alleged herein to violate the United States Constitution. You can read the text of the lawsuit at <https://www.2anys.com/wp-content/uploads/2020/05/461673302-Lewis-v-Cuomo-WNDY-May-15-2020.pdf>

The NYS Firearms Association reports a growing number of Albany insiders are reporting that Governor Cuomo wants to use the utter chaos and distraction that is currently plaguing Albany, and in my experience, all of NYS, to his advantage to speed the process for bills like S. 7065, which 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”. This is another piece of legislation we need to monitor. You can read the full text of this bill at <https://www.nysenate.gov/legislation/bills/2019/s7065>

The final tally for April 2020, was a recorded 2,911,128 NICS records checks. It proved to be the fourth-busiest month in the history of the NICS office. Moreover, the week of April 13<sup>th</sup> through April 19<sup>th</sup> was the busiest week in the history of the NICS office.

As we all should know, New York is not a “stand your ground” state. What does this mean? Simply put, you have a duty to retreat before using physical force. Now this is not legal advice nor is it that simple. Every scenario is unique and if you have specific questions, I suggest you consult with a NYS experienced criminal defense attorney. NYS does follow a similar doctrine called the "castle doctrine," which allows individuals to use force to defend their homes against intruders. The key distinction between stand your ground and the castle doctrine is that the castle doctrine designates this justification for people in their homes. The rationale is that your home is "your castle" or safe refuge, and that you should not have to run away from your home when defending it against invaders. Again, this is not legal advice nor is it that simple. As I just said, every scenario is unique, even inside your “castle” and if you have specific questions, I suggest you consult with a NYS experienced criminal defense attorney.

Recently, numerous NYS Senators have added their names in support of the stand your ground bill (S. 7915/A-10114) which specifically relates to justified use of physical force. 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>

For many reasons, this is important legislation. Not only as gun owners, but simply as residents of NYS. Governor Cuomo has ordered the release of thousands of criminals back onto the streets of NY, seemingly ignorant of the dangers imposed to the citizenry. Some of those released, in relatively short order went back to their criminal ways. Some arrested and released back onto the streets with no bail due to the recently enacted bail reform laws. It is important for you to know your rights if ever faced with a use of force situation. Please consider contacting your state Senator and your state Assembly representative and urge them to support S. 7915/A-10114. I also encourage everyone to enroll in one of the scheduled NYS Penal Law Article 35 classes that the DCPA sanctions. You can check the calendar on the website for the dates of upcoming classes.