



May 2021

Legislative Officer Report



On the D.C.P.A. Homefront

As you know from last month, due to recent legislative changes on the NYS level regarding Cannabis, the DCPA has updated its policy to include no use of Cannabis as well. Under the General Info heading, please take notice of the following:

- NO consumption of alcoholic beverages, cannabis, or illegal substances on DCPA property.

Please make yourselves familiar with the new policy as well as all DCPA policies on a regular basis and be sure you follow them as required. They can be found here <https://www.dcpistol.org/policies.html>

From the F.B.I.

According to the FBI-NICS reporting information available from the Bureau, NICS checks for the month of April 2021, were 3,514,070. This number of records checks is down 1,177,668 from last month, but shows an increase of 602,942 over the same period from 2020.

View the NICS records checks totals from November 30, 1998 – present at: <https://bit.ly/30vwjfk>

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

In the Legislature

Remember, the absolute most important thing you can do as a Second Amendment advocate and constituent is to become familiar with proposed legislation that impacts the Second Amendment, and be sure your elected representatives know where you stand on these matters.

With the NYS legislative session coming to an end in just a few short days, there's a flurry of activity by the anti-2A legislators to get their bills moved through the houses and onto the Governor's desk before they die in their respective bodies. There is activity

on the anti-2A legislative front daily and I'm likely just touching the tip of the iceberg from month to month, so please use the links provided to stay up to date.

Many of our 2A advocate affiliate organizations ask that the below referenced bills in **GREEN be supported**. I've listed these bills first. Those listed in **BLACK** generally have **no position** taken by these groups but are presented for information purposes and I've listed these second. Finally, the bills denoted in **RED should be opposed** according to these organizations. Understand, the decision whether you ask your legislative representatives to support or oppose is yours.

In the NYS Legislature

There are currently at least 45 different bills on the NYS level that relate in some way to firearms, shooting sports and/or hunting. Some of which, like those relating to crossbows, I will not be covering here, but just to give you a graphic picture of the legislature's general feeling toward the shooting sports and firearms in general, I share this.

NYS Senate & Assembly websites have a polling option on the pages for individual bills. It allows you to let your legislators know where you stand on a piece of proposed legislation. If you sign up for a free account, and use that to sign in to check the bills, it will auto-populate your info and your representative's info.

These are some of the bills currently in the NYS legislative houses.

On a positive note, recently signed into law is a bill titled **A3005C/S2505C**: It is a two-year pilot program for 12-year-olds to hunt deer only with a gun north of Westchester. Action: Signed into law-Chapter 55

PLEASE CONSIDER SUPPORTING THESE BILLS

A2335/S3636: Limits SAFE Act to the New York City boroughs. Status: In Assembly Codes Committee awaiting further action. Read the full text at <https://bit.ly/34qcl8a>

A3216/S4119: Lowers minimum age for hunting license from 14 years of age to 12 years old. Status: In Assembly Committee and Senate Environmental Conservation Committee awaiting further action. Read the full text at <https://bit.ly/34r53Bd>

A3505/S3614: Refers to no application or literature distributed with or for an application to carry, possess, or otherwise use a firearm be approved for use if it contains a written warning regarding the dangers of firearm ownership or use. Status: In Assembly Committee awaiting further action. Read the full text at <https://bit.ly/3vscqUS>

A3538/S3206: Provides that a license to possess a pistol would permit for the concealed carry of same. Status: In Assembly Committee awaiting further action. Read the full text at <https://bit.ly/34ttSMM>

A1023/S4970: Seized or recovered guns reported to criminal gun clearinghouse. Status: In Assembly Committee. Read the full text at <https://bit.ly/3yNtiaE>

A4714: Increases the penalty for firearm use in drug crime. Status: In Assembly Codes Committee awaiting further action. Read the full text at <https://bit.ly/3fNNCjA>

A4990: Relates to establishing the civil rights restoration act and amends provisions of law regarding firearm licenses. Changes the red flag and NICS check laws so they would require all instruments used to impact a person's rights under the 2nd Amendment to be filed before such action is taken regarding that person's rights under the 2nd Amendment are decided. Status: In Assembly Judiciary Committee awaiting further action. Read the full text at <https://bit.ly/3c3yBJl>

A5121/S4989: Enhances penalties for crimes during riots. Status: In Assembly Codes Committee awaiting further action. Read the full text at <https://bit.ly/2RWXtvo>

A5269/S3718: A.k.a. The Stand Your Ground Bill - Relates to the justified use of physical force; no duty to retreat and protections from civil and criminal actions. Status: In Assembly Codes Committee awaiting further action. Read the full text at <https://bit.ly/34uKUKu>

A7066: Involves offenses involving the possession, display or discharge of a firearm, so the offender may be held on bail. Status: In Assembly Codes Committee awaiting further action. Read the full text at <https://bit.ly/2RLGqwa>

FOR INFORMATIVE PURPOSES ONLY

A0352: Prohibits body vests. Status: Enacting clause stricken. The original text can be viewed at <https://bit.ly/3bXk81y>

A852: Establishes the crime of criminal possession of a flamethrower. Status: Passed NYS Senate, currently in Assembly Committee awaiting further action. Read the full text at <https://bit.ly/3ii8u9W>

A3841A: This bill prohibits persons named on the no-fly list maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation from obtaining or renewing a license to carry, possess, repair and dispose of firearms. Status: In Assembly Codes Committee awaiting further action. Read the full text at <https://bit.ly/3fUoDYN>

A2329: Amends NYS Penal Law relating to reporting duties of law enforcement to National Integrated Ballistic Integrated Network as they relate to certain firearms seized, recovered, or used in crimes, included recovered shell casings. Status: In Assembly Codes Committee awaiting further action. Read the full text at <https://bit.ly/34v6Y7X>

PLEASE CONSIDER OPPOSING THESE BILLS

NYS A412/S476 if enacted would amend the NYS Penal Law to include an violation category offense for unlawful possession of a firearm by persons under 21 years of age. Offenders would be adjudicated as Juvenile Offenders. On 01/06/2021, this bill was sent to the Assembly Codes Committee where it currently sits awaiting action. There is an exemption included for those in possession of a hunting license and using said firearm in accordance with the rules established by the hunting license. FYI – This bill has been introduced in previous legislative sessions, 2017-2018: [A10426](#), [S7890](#) and 2019-2020: [A7460](#), [S2280](#) and died in each previous session in committee without further action. A412/S476 can be viewed here, including full text of the bill at: <https://bit.ly/3kWFzTO>

NYS A930/S2844 if enacted would establish the NYS Police as the point of contact for conducting NICS checks pursuant to 18 U.S.C. sec. 922(t) in NY. Additionally, it establishes “the background check fund.” This means every records check will have a fee associated with it, to be paid electronically, plus multiple databases are to be set up to keep track of approved checks, denied checks, and other databases at discretion of the Superintendent of State Police. Bill was referred to the Governmental Operations Committee, where it sits awaiting further action. Read the full text at <https://bit.ly/3vuAvKh>

NYS A2175/S0065 if enacted would restrict the sale of ammunition and chemical agents (aka pepper spray or mace) to only individuals authorized to possess such weapons. Additionally, it calls for the establishment of yet another database, the No-Gun Database to be maintained by the NYS - DCJS. This bill was referred to the Codes Committee, where it currently sits awaiting further action. Read the full text at <https://bit.ly/3xyL156>

A449/S1235: This legislation would establish a 10-day waiting period from contact of the National Instant Criminal Background Check System (NICS) before a firearm, shotgun or rifle may be delivered to a person. Referred to Codes Committee. Read the full text at <https://bit.ly/3fv655t>

A483: Amend the NYS Penal Law to make it unlawful to possess digital firearms or magazines. Referred to Codes Committee. Read the full text at <https://bit.ly/34qZjaD>

A581: Requires the submission of proof of personal liability insurance prior to the issuance or renewal of a license to carry a firearm. Referred to Codes Committee. Read the full text at <https://bit.ly/3yL67hh>

A613A/S14: This bill passed the Senate; it will criminalize the possession of guns without serial numbers, known as ghost guns, by anyone other than a license gunsmith, prohibit the sale of ghost guns entirely, and require anyone manufacturing or assembling a firearm in New York to be a

licensed gunsmith. It also requires New York gunsmith to serialize any firearms, rifles, shotguns, and unfinished firearm frames or receivers they manufacture or assemble and register those not otherwise covered under federal law with the division of state police. Referred to Codes Committee. Read the full text at <https://bit.ly/2SxobeA>

A630: Confiscate firearms if ordered to take mental health exam. A 30 day waiting period to return firearm even if exam is passed. Status: In Assembly Committee. Read the full text at <https://bit.ly/3hYUuNR>

A1180: Criminalize failure to store a weapon. Enacts the children's weapon accident prevention act. Status: In Assembly Committee. Read the full text at <https://bit.ly/2TrROOw>

A1815: This legislation would require all motor vehicles transporting five or more weapons, or ammunition for five or more weapons, to have a separate storage areas secured by padlock or combination lock and all such weapons and ammunition to be so secured when being transported. Status: In Assembly Transportation Committee awaiting further action. Read the full text at <https://bit.ly/3wTG4D1>

A2125/S5291: Establishes a \$5.00 fee on firearms, rifles and shotgun purchases to fund gun violence research. Status: In Assembly Committee awaiting further action. Read the full text at <https://bit.ly/2ThxfUM>

A2176: Standards for gunsmith and firearm dealers to have locked storage of guns and ammo separately. In Assembly Committee awaiting further action. Read the full text at <https://bit.ly/3i1aZJi>

A2222: This bill would prohibit schools from having marksmanship and or shooting programs. In Assembly Committee awaiting further action. Read the full text at <https://bit.ly/3fuUSSv>

A2331: Prohibit entry to anyone under 12 years old at gun shows. In Assembly Committee awaiting further action. Read the full text at <https://bit.ly/2RLyv2k>

A2571: Criminal sale of unfinished frame or receiver. Status: In Assembly Committee awaiting further action. Read the full text at <https://bit.ly/3wH5NOE>

A2666A: This bill just passed the Senate; it will prohibit possession of unfinished receivers by anyone other than a gunsmith and establish the sale of an unfinished frame or receiver as a felony. Status: In Assembly Rules Committee awaiting further action. Read the full text at <https://bit.ly/2TupgUJ>

A3614: This law would prohibit the use of toxic ammunition including lead for the taking of wildlife. Status: In Assembly and Senate EnCon Committees awaiting further action. Read the full text at <https://bit.ly/3p383oi>

A3808: This bill relates to no sale or promotion of firearms sale on public property. Status: In Assembly Codes Committee awaiting further action. Read the full text at <https://bit.ly/3vy8cen>

A3829/S1605: This bill 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. Status: In Assembly Codes Committee awaiting further action. Read the full text at <https://bit.ly/3wIvVJg>

A3880: This bill relates to safe storage when the firearm is not in your physical possession when a person under 16 years of age lives in the residence, or if in the presence of someone known or believed to be prohibited from lawfully possessing, owning, or using a firearm, such as the subject of an order of protection, extreme risk order, convicted felon, etc. Status: In Assembly Codes Committee awaiting further action. Read the full text at <https://bit.ly/3vy3sp4>

A3998/S0687: Clarifies definition of imitation weapon. Status: In Assembly Codes Committee awaiting further action. Read the full text at <https://bit.ly/3usCT3j>

A4259: Criminalizes firing weapon into crowded space. It also defines a crowded space as that which is occupied by three or more persons. Status: In Assembly Codes Committee awaiting further action. Read the full text at <https://bit.ly/3hXYduT>

A5455/S5026: Police seize firearms for five days when responding to family violence. Status: In Assembly Codes Committee awaiting further action. Read the full text at <https://bit.ly/34qiD7M>

A5728/S5058: This bill prohibits the use of lead ammunition in the taking of wildlife on state owned land and land contributing surface water to the New York City water supply. Status: On both the Assembly and Senate Floor Calendars awaiting further action. Read the full text at <https://bit.ly/3wHgAbS>

A6762A/S1048A: Relates to the dangers to the safety and health of the public caused by the sale, manufacturing, importing and marking of firearms. Status: In Assembly Codes Committee awaiting further action. Read the full text at <https://bit.ly/3wKL7FJ>

In the U.S. Legislature

On the Federal level there are currently 11 pieces of proposed legislation, some of which have sister bills in the other legislative body.

H.R. 1446 - "Enhanced Background Checks Act." Introduced on March 1, 2021, by Rep. James Clyburn (D- S.C.), the Bill passed a House of Representatives vote on 03/11/2021, and went to the Senate the same day where it remains. **I encourage you**

to contact your US SENATE representatives and urge them to NOT support this legislation.

Under the bill, the FBI could indefinitely block federally licensed dealers (FFLs) from transferring firearms, simply by failing to provide decisions on the background checks FFLs are required to run on their customers. The bill, however, would eliminate the current automatic default transfer option for the FFL. If the intended recipient didn't file the follow-up petition, and the FBI didn't resolve the NICS check, the transfer could NEVER proceed. Currently, there are 137 cosponsors, including 16 from NY, including our very own Rep. Sean Patrick Maloney (D-NY-18).

[Rep. Jamaal Bowman \(D-16\)](#)
[Rep. Yvette D. Clarke \(D-9\)](#)
[Rep. Antonio Delgado \(D-19\)](#)
[Rep. Adriano Espaillat \(D-13\)](#)
[Rep. Brian Higgins \(D-26\)](#)
[Rep. Hakeem S. Jeffries \(D-8\)](#)
[Rep. Mondaire Jones \(D-17\)](#)
[Rep. Carolyn B. Maloney \(D-12\)](#)
[Rep. Sean Patrick Maloney \(D-18\)](#)
[Rep. Grace Meng \(D-6\)](#)
[Rep. Joseph D. Morelle \(D-25\)](#)
[Rep. Jerrold Nadler \(D-10\)](#)
[Rep. Kathleen M. Rice \(D-4\)](#)
[Rep. Thomas R. Suozzi \(D-3\)](#)
[Rep. Ritchie Torres \(D-15\)](#)
[Rep. Nydia M. Velazquez \(D-7\)](#)

This bill, if passed would flip the burden of proof and makes the RIGHT to obtain a firearm a process in which the intended recipient might have to repeatedly beg, including at the NICS stage, again at the petition stage, and yet again with the FFL if the petition is never answered and the mandatory 10 day waiting period expires.

At no time, however, does the FBI actually have to point to a disqualifying record to block the transfer. Simply claiming, "We don't know" would be enough to shift the burden of action to the intended recipient. See the full text of this proposed legislation at:

<https://bit.ly/3epM6oz>

H.R. 8 – Titled the Bipartisan Background Checks Act of 2021, <https://bit.ly/2QEN3Q9> . Introduced on 3/1/2021, by Rep. Mike Thompson(D-CA-5) and 8 others, and cosponsored by a total of 210 other Representatives, 19 of whom are

from New York, including Rep. Sean Patrick Maloney (D-NY-18). On 03/11/2021, H.R. 8 passed the House of Representatives by a 227 – 203 vote. It was forwarded to the newly appointed Democrat led Senate on the same day, where it remains awaiting further action. This Bill passed through the House in a mere 10 days. See how quickly things can pass when they want them to. **I encourage you to contact your US SENATE representatives and urge them to NOT support this legislation.**

This bill seeks to require background checks for most every transfer of ownership of a firearm, with few exceptions (eg.: between spouses, domestic partners, siblings, and some others, etc...). This legislation if passed would require all other transfers of ownership to take place through a FFL holder, after conducting a NICS background check. Similar legislation was introduced in the 116th Session and died in committee with no action.

H.R. 933 – Titled the Second Amendment Preservation Act, introduced on 02/08/2021 by Congressman Griffith H. Morgan (R-VA-9) and co-sponsored by Rep. Markwayne Mullin (R-OK-2) and Rep. Jeff Duncan (R-SC-3). **I encourage you to contact your US representatives and urge them to support this legislation.** This bill is also known as the Home Defense and Competitive Shooting Act of 2021.

If passed, this bill would remove short-barreled rifles (barrels of less than 16 inches in length) from the definition of firearms for purposes of the National Firearms Act. It also eliminates the prohibition on the transportation of such rifles in interstate commerce and treats persons who acquire or possess a short-barreled rifle as meeting the registration or licensing requirements for such rifle where such requirements are determined by reference to the National Firearms Act.

On 02/08/2021, H.R.933 was simultaneously referred to the House Ways and Means and Judiciary Committees, where it still sits awaiting action. The text of H.R.933 is available at: <https://bit.ly/3rBvOwM>

H.R. 38 - Newly reintroduced legislation on 01/04/2021, by Rep. Richard Hudson (R-NC), and a long list, which has increased as of March, 8, 2021, to 175 co-sponsors <https://bit.ly/2OGuQ3y>, 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 bill was referred to the House Judiciary Committee on 01.04.2021, where it sits awaiting further action. FYI - 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 to carry in other states that provide a means of lawful concealed carry for the state's own residents, if those travelers:

- may lawfully possess and receive a firearm under federal law,
- carry photo identification issued by the U.S. or a state government, and
- have a concealed carry permit or reside in a state that otherwise provides for lawful concealed carry without a permit.

Read the full 7 page text of the proposed legislation at <https://bit.ly/3lobdzG>.

H.R. 127 - Introduced on 01/04/2021, by Rep. Sheila Jackson-Lee (D-TX). **I encourage you to contact your US representatives and urge them to **NOT support** this legislation.** H.R. 127 was referred to the House Judiciary Committee on 01/04/2021, where it sits awaiting action. 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 likely require a picture ID although that isn't in the bill.**
 - The owner to also have an insurance policy **likely to only be issued by the government, like flood insurance**, 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 must also undergo a psychological exam by a licensed psychologist **(at their own expense)**.
- It also calls for a national database of all firearm ownership
 - With access by all members of the public.
 - Renewals of the license.
 - With strict conditions that must be met for renewal.
- Additional training approved by the U.S. Attorney General
 - With a minimum of 8 hours of training specific to the "weapon" subject to the license.
- Plus, so much more...

Read the full text of this 19 page bill at: <https://bit.ly/3Oq2PzV>

From the NRA – Institute for Legislative Action (ILA)

Nebraska Governor signs pro 2nd Amendment law

May 27, 2021

Nebraska Governor Ricketts signed a law that included wording from three separate pieces of pro-gun and pro-2A legislation. Read the full NRA – ILA article at <https://bit.ly/3fWdoCa>

U.S. Supreme court upholds the sanctity of the home over expanded police powers

May 24, 2021

The U.S. Supreme Court recently dealt a blow to the anti-gun Biden administration. In a decision the court referenced the “Community Caretaking” principle that allowed officer some leeway in searches and seizures under certain circumstances. In this case, the officers overstepped the community caretaking principle in seizing a person’s firearms and then not returning them in an acceptable time, procedure or manner.

The Court’s decision is a setback for Biden as he defended the police officer’s warrantless, nonconsensual gun seizure as constitutional. the warrantless, nonconsensual gun seizure in this case as constitutional. President Biden has called for [sweeping gun control measures](#), including confiscation of commonly-owned firearms and “investing in evidence-based community violence interventions” – all of which would be facilitated immeasurably if the government, as a “community caretaker,” had expanded authority to enter homes and seize property without consent, exigent circumstances or a warrant. The decision is *Caniglia v. Strom*. Read the full NRA-ILA article at <https://bit.ly/3i1mwbC>

From your Legislative Officer

Upon sending out last month’s Legislative Report via the D.C.P.A. mail server, I noted somewhere around 110 emails were bounced back. For the majority, this issue appeared to be due to the individual member’s email servers rejecting the message due to the inclusion of many .gov weblinks. Like the ones I post to direct members to the individual F.B.I. stats, or to the individual pieces of legislation in their respective legislative houses. Thank you to President Covelli for figuring out the reason the majority of the rejections occurred and for providing an alternative solution for me to provide the information without using the .gov extensions. You will note, moving forward most if not all the links in my report are now shortened links provided by bit.ly, a very handy tool.

2A friendly organizations, 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 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](#)

FREELegal Heat – Firearm Carry Law App for Android and iOS

CONCEALED CARRY LAWS

Concealed carry laws are summarized for each state and updated every time the laws change. The information is stored locally in the app so there's no need to be on the grid

RECIPROCITY MAP

This custom map shows the states you're allowed to carry in based on your permits and your home state.

TRAINING CENTER

The training center offers online and in person interactive classes to help you get your concealed carry permit and stay up to date on the laws and responsible carry tips in your home state.

Respectfully submitted,



Gregg Buddenhagen

Legislative Officer – Dutchess County Pistol Association

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