



November 2020

Legislative Officer Report

I've been in touch with NYS Rifle and Pistol Association regarding our membership status. Some confusion has arisen based on what DCPA member Bill Terry was told, what I've been told and seen and over the recent renewal notice the club has received. Our membership never lapsed. Brenda misspoke when she advised that we were expired. She believes she was looking at the status of one of the other Dutchess County member clubs of NYSRPA. Our updated NYSRPA certificate has already been received by the club.

I've been in contact with the Membership Chairman, Don Smith, for the Shooter's Committee on Political Education (SCOPE) and activated our membership. I've been reimbursement the \$50 membership dues I paid on the club's behalf. Don Smith and S.C.O.P.E. President, Tom Reynolds, are interested in attending a membership meeting of the DCPA. Due to scheduling and distance, I mentioned that I would approach the Executive Committee to see if we would permit a Zoom conference appearance of SCOPE at an upcoming meeting. After discussing this with the Executive Committee at our November 10th meeting, I will be setting up the Zoom appearance with the leadership of S.C.O.P.E., date TBD.

The results of the November 3rd elections on many levels are still unclear and not certified. As you may know there have been numerous court actions filed in several states and it was announced yesterday 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 many voters to question the integrity of the voting process and the results. Stay tuned!

According to the FBI-NICS reporting information available from the Bureau, NICS checks for October 2020 totaled 3,305,465, up from last month's 2,892,115 records checks. According to the records reported to date in 2020, NICS checks topped last year's total, current year to date with 31,131,914 and we still have the remainder of November and all of December to go.

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.

In the People of the State of New York (PSNY) v The National Rifle Association (NRA) case, several updates have been made to defense counsel. Additionally, the NRA

has filed several motions, including to dismiss the suit in whole or part, for a change of venue and others, with the New York County Supreme Court, Judge Joel M. Cohen. There has been no ruling on the motion and the next scheduled appearance is November 19, 2020.

NOTE: As of the writing of this report, there has been no noteworthy activity on previously reported on proposed legislation listed below.

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)

On November 10, 2020, the NRA Institute for Legislative Action reported: In Texas, at least 13 pieces of gun control legislation have been introduced on the first day of Bill Pre-Filing for the upcoming 2021 Legislative Session, set to commence January 12, 2021.

A few of these include, red flag seizure legislation, repealing in part their “Castle Doctrine” (a.k.a. “Stand your Ground Law”) and banning sale or transfer of firearms ownership between family members without using an FFL holder and paying an undetermined fee. It is believed by many; this is how many states will be coming after lawful owners of firearms in the coming year(s).

On October 26, 2020, the NRA Institute for Legislative Action reported on the State of Washington’s Firearms Confiscation Laws being ruled unconstitutional. Earlier this year, in a ruling of first impression in Washington State, the Kitsap County District Court decided that the state’s compulsory “firearm surrender” laws violated the Fourth and Fifth Amendments and the analogous provisions in the state constitution. “In our constitutional system of government, individuals have rights that the government and its agents (including courts) must respect. Among those rights are the right to be free from compelled self-incrimination under the Fifth Amendment, the right to be free from unreasonable searches and seizures under the Fourth Amendment, and their counterparts under Washington’s constitution.” The ruling is further confined to the context of pre-trial criminal proceedings, as the court declined to consider post-conviction proceedings and civil protection order cases.

What is important is that, although the case concerns firearms and weapons, it is not a “gun rights” case and the phrase “Second Amendment” is conspicuously absent from the court’s lengthy analysis. The decision confirms what the NRA has maintained all along about the dangers of this law in particular ([here](#) and [here](#), for example) and similar firearm confiscation schemes across the nation. Individuals have rights that the government and its agents must respect.

Relegating the Second Amendment to a lesser or “second class right” (to use Justice Clarence Thomas’ oft-quoted phrase) will inevitably breed contempt for all constitutional rights. The full article and link to the related case can be viewed at: <https://www.nraila.org/articles/20201026/washington-state-firearm-confiscation-law-found-unconstitutional>

Respectfully submitted,



Gregg Buddenhagen

Legislative Officer – Dutchess County Pistol Association

LegislativeOfficer@dcpistol.org

UPDATED: 11/12/2020 – 02:44