



October 2020

## Legislative Officer Report

**Guest speaker: A guest speaker invitation was sent out to the following "A" rated candidates. US Congressional candidate Chele Farley and longtime friend of the 2<sup>nd</sup> Amendment, Honorable Judge David Hasin, who joined us at the October meeting. An invitation was also sent to "F" rated 9<sup>th</sup> JD Judge Candidate Mark Starkman. I didn't receive a response to my communication. I'd like to thank each of you who reached out to me with suggestions.**

At the end of September, I assumed the responsibility of ensuring our membership in relevant shooting and 2<sup>nd</sup> Amendment organizations were current. On September 28, 2020, with the approval of the BoD & the EC, I completed the DCPA's renewal application with the NYS Rifle and Pistol Association (NYSRPA). Through discussions with Brenda of the NYSRPA, they were going to activate our renewal membership effective immediately, and continue it through 12/31/2021, for the one-year renewal cost of \$60, which I paid out of pocket and have already been reimbursed. Effectively, we are receiving 15 months of NYSRPA membership benefits for the cost of 12. I thanked Brenda and the NYSRPA for this kind gesture on behalf of the DCPA. Special thanks to DCPA member Bill Terry for bringing the expired membership status to the EC's attention.

Additionally, on October 26, 2020, I had a great conversation with Don Smith – Membership Chairman of the Shooters Committee on Political Education S.C.O.P.E., after which, the D.C.P.A. joined S.C.O.P.E. I'd like to add, I personally joined S.C.O.P.E. as well. I encourage everyone to visit the S.C.O.P.E. website <https://scopeny2a.org/> view their Mission Statement at <https://scopeny2a.org/about-us> and join if you can <https://scopeny2a.org/membership>. They have various membership levels available. Members fund all of the NY based 2<sup>nd</sup> Amendment protection activities S.C.O.P.E. engages in for all of us.

I published a D.C.P.A. Election Day Newsletter, which was sent to all members with an email address on file with the club. I will be looking to do more internet and email-based activities to benefit the membership throughout the year.

It seems the vast majority of left leaning and Democratic politicians/candidates in NY and Washington D.C. alike, are interested in controlling or outright removing our 2A rights. This is clearly evidenced in recently proposed gun control legislations referenced in my monthly Legislative Officer Reports. Presidential candidate (former Vice President) Joseph Biden and his running mate Senator Kamala Harris are two of those people. <https://www.google.com/amp/s/www.washingtonpost.com/outlook/2020/07/16/biden-gun-control-poverty/%3foutputType=amp>

Several organizations and have graded candidates on their 2<sup>nd</sup> Amendment stances. S.C.O.P.E. has published a list of "A" rated candidates as they pertain to supporting the 2A and our right to bear arms. I encourage everyone to check the lists for your specific federal and state district candidates to see where they stand.

For Dutchess County, these are the only local candidates who appear on the list.

- US Congressional candidate from NYS: District 18 - **Chele Farley**
- NYS Senator **Sue Serino** – NYS Senate District 41

The link to the Putnam County Gun Owners Association candidate grades can be viewed here [https://mcusercontent.com/e5f9bd7c64ee4509a6e594ed1/files/4989f71a-efa4-40d4-82c9-9d11f6f3fo31/PCFOA\\_2020\\_Voter\\_Guide.pdf?mc\\_cid=72d855883f&mc\\_eid=98dcbc74bd](https://mcusercontent.com/e5f9bd7c64ee4509a6e594ed1/files/4989f71a-efa4-40d4-82c9-9d11f6f3fo31/PCFOA_2020_Voter_Guide.pdf?mc_cid=72d855883f&mc_eid=98dcbc74bd).

You can see the full text of the S.C.O.P.E. publication at:  
<https://scopeny2a.org/resources/Documents/ratings%20for%20website%2020201014.pdf>

### **Please know your candidate's position on the things you value, like the 2nd Amendment.**

Here we are with only days until Election Day 2020, so here's my monthly reminder: The current elections on the local, state and national level are pivotal. Every single vote matters, now more than ever before. You will have an impact and will make a difference, so please VOTE and encourage those you know to do the same!!! Modern elections on all levels are being decided by very small margins, so please remember and encourage everyone you know to vote. Vote early, vote by mail or in-person on Tuesday, November 3<sup>rd</sup>, 2020.

On the topic of voting, how many people have heard the term or know what a "Bullet Vote" is? Bullet voting is when you vote for only one candidate, even though you have the opportunity to vote for more than one candidate. Locally, that is the case with our race for NYS State Supreme Court Judge, in the 9th District (which includes all of Dutchess, Putnam, Orange, Rockland and Westchester counties).

There are seven candidates, Judge Richard Guertin (R), who was a guest speaker at the DCPA, September Membership Meeting, as well as Mark Starkman (R) and five other candidates (David Hasin (R), Sam Walker (R) (C) (D), Alexandra Murphy (C) (D), Robert Ondrovic (C) (D) and E. Loren Williams (D) on the ballot.

Proponents of bullet voting say that you should only vote for your first choice, essentially throwing your second vote (and any additional votes) in that race away.

Why? The process is explained in layperson's terms at this link <https://patch.com/new-york/huntington/bp--bullet-voting>

I'll use a simple hypothetical example to explain: Let's say there are three candidates on the ballot for two open seats. Let's say my first choice is "A", and my second choice is "C". Let's say your first choice is "B" and second choice "C". Let us tally those votes.

C – Wins the election with 2 votes

A & B – tied with 1 vote each and end up in a run-off, whereby only one of them will win.

In some instances, it might be a better option to just vote for your top choice to increase the chances of them winning one of the seats.

Let's consider what would have happened if you and I Bullet Voted. I vote for "A", you vote for "B". Both "A" and "B" are elected to an open seat and we both help the candidate we wanted to win. While this is an oversimplified demonstration, it visualizes the Bullet Vote principle. There are proponents and opponents to this practice. I merely mention it because it is a common misconception that you have to choose as many candidates the ballot says you can. Only you can decide who to vote for and how many if there are more than one open seat in a race, like the race for Supreme Court judge in the 9<sup>th</sup> JD this Election Day.

As always, I recommend you stay informed, stay involved and get in touch with your representatives. Let them know where you stand on the issues. Remember, they represent you, so it's important they know where you stand on any legislative matters, especially those that are relevant to Second Amendment issues, including those mentioned below.

For the past several months I have mentioned, if you possess a NYS Pistol License issued by Dutchess County and wish to request to "opt out" and protect your privacy, the [NYS Firearms License Request for Public Records Exemption Form \(.pdf\)](#) is the mechanism used to exercise the "opt out" (FOIL exemption) provision for pistol licensees. I have linked Dutchess County's opt out form above. Several members have advised me they have not exercised the "opt out" provision as they were under the belief it was only for members of law enforcement (active or retired Police, Corrections or NYS Court Officers). **This is not the case.** While those persons are specifically mentioned in the form, they are not the only people who may "opt out."

The form reads: "I hereby request that any information concerning my firearms license application or firearms license not be a public record. The grounds for which I believe my information should NOT be publicly disclosed are as follows: (check all that are applicable)

1. My life or safety may be endangered by disclosure because:

A. I am an active or retired police officer, peace officer, probation officer, parole officer, or corrections officer;

B. I am a protected person under a currently valid order of protection;

C I am or was a witness in a criminal proceeding involving a criminal charge;

D. I am participating or previously participated as a juror in a criminal proceeding, or am or was a member of a grand jury;

2. My life or safety or that of my spouse, domestic partner or household member may be endangered by disclosure for some other reason explained below: **(Must be explained in item 5 below)**

3. I am a spouse, domestic partner or household member of a person identified in A, B, C or D of question 1. (Please check any that apply) A \_\_\_\_\_ B \_\_\_\_\_ C \_\_\_\_\_ D \_\_\_\_\_

4. I have reason to believe that I may be subject to unwarranted harassment upon disclosure.

5. **(Please provide any additional supportive information as necessary)**

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How many of you have EVER served on a jury for a criminal case? How many have EVER served on a Grand Jury? If you have a specific reason not mentioned on the form in one or more of the provided check boxes, you can check #2 and provide supporting information in #5. For most people, number 4 is the most applicable choice.

When I discuss this topic, many people tell me they have reason to believe that they may be subjected to unwarranted harassment if their information is disclosed. I believe that is a legitimate concern. When I ask why, a common response is ...the very nature of the current climate within society regarding guns, because of random acts of violence involving firearms. Rarely is there an emphasis or distinction made between a lawfully possessed and used firearms and those used in violent, criminal acts. We all have seen media coverage of “activists” and “protests.” We have seen peaceful demonstrations but we have also seen that some of them are angry, tumultuous and or violent. And sadly, when the latter is the case, there is minimal response by law enforcement for what seem to be political pressures to “stand down”. Do things like that concern you? Then maybe in addition to any other box that may apply to you, #4 might be appropriate for you. Only you know what applies to you, but please don’t overthink the questions. If you don’t apply to opt out, your information is out there to be obtained under FOIL.

I encourage each of you with any concern for your personal information being provided to someone who files a FOIL request, to click the above link, print and fill out the form and return it in person or via mail to the Dutchess County Clerk’s office.

**Mail or return (in person) the completed form to:**

Bradford Kendall  
Dutchess County Clerk  
22 Market Street  
Poughkeepsie, New York 12601

Firearm sales continue at record setting numbers across the U.S. for yet another month. According to the FBI-NICS reporting information available from the Bureau, NICS checks for September 2020 totaled 2,892,115, down slightly from last month. According to the records reported to date in 2020, NICS checks topped last year’s total as expected, with 28,826,449 and we still have two full months to go. NOTE: For many reasons, the number of NICS records checks do not necessarily mirror the number of actual firearm sales. 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](https://www.fbi.gov/file-repository/nics_firearm_checks_-_month_year.pdf/view)

**I’m still tracking firearms and 2<sup>nd</sup> Amendment related legislation, including but not limited to those listed below. 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>

Respectfully submitted,



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