

LOCAL LAW “F” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY REQUIRING ALL WEAPON AND/OR FIREARM DEALERS TO POST DISCLOSURES REGARDING SAFETY RISKS FROM FIREARMS

Introduced: 6/13/22

By Messrs. Reidy, Feeney, A. Joyce, Beston, Ms. Chapman, Messrs. Clay, Cleary, Ms. Cunningham, Messrs. Efekoro, Fein, Kuhn, Ms. Lekakis, Messrs. Mayo, Miller, Peter, Ms. Plotsky, Messrs. Reinhardt, Ricard, Ward, Ms. Willingham and Mr. Comisso:

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ALBANY AS FOLLOWS:

SECTION 1. Title.

This Local Law shall be known as the “Albany County Commitment to Ensuring a Safe Society (ACCESS) Law.”

SECTION 2. Legislative Intent.

The purpose of this Local Law is to provide for and promote the health, safety and welfare of the general public by specifically informing buyers and potential buyers of weapons or firearms in Albany County of the dangers of owning a weapon or firearm.

This Legislature determines that gun violence is a uniquely American problem, which continues to worsen. The United States accounts for just 4% of the world’s population, but 35% of global firearm suicides and 9% of global firearm homicides. America has the weakest firearm laws and the most firearms — 393 million, more than this country’s population — of any comparable nation. Americans are 25 times more likely to be killed in a firearm homicide than people in other high-income countries.

Within the last ten years, the firearm mortality rate has risen nearly 18%, with an average of 39,000 Americans dying from firearm violence each year from 2015 to 2019. Over 45,000 Americans died from firearm violence in 2020 alone. The Centers for Disease Control and Prevention reports that an average of 483 deaths per year are from unintentional shootings. The average number of non-fatal shooting injuries is 76,127 each year.

Studies have shown that, when a firearm is easily accessible, the risk of homicide, suicide and unintentional shootings rises dramatically. Indeed, access to a firearm triples the risk of suicide. More than 6,000 veterans die by suicide each year, with more than two thirds of those deaths involving firearms. Domestic violence victims

are five times more likely to be killed when their abuser has access to a firearm. Firearms are the leading cause of death for children under the age of 18.

Moreover, the database from the Centers for Disease Control and Prevention demonstrates that firearm homicides and assaults disproportionately impact underserved communities of color. Black men make up 52% of all firearm homicide victims in the United States, despite comprising less than 6% of the population.

This Legislature finds that the existence of a weapon or firearm in a home can lead to accidental discharge causing the unintended death of a child or other household members, preventable suicide, and death during a domestic dispute. Requiring weapon and firearm dealers to post warning notices delineating the risks of weapons or firearms ownership will provide important information to customers who can then make safer buying choices.

Albany County is dedicated to protecting its residents. Accordingly, this law is intended to require all weapon or firearms dealers within Albany County to post and distribute conspicuous notices containing disclosures of the safety risks of weapons and firearms.

SECTION 3. Definitions.

a. Dealer. Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of including but not limited to: any rifle, shotgun, firearm, machine gun or assault weapon including a semiautomatic rifle, shotgun, or firearm, as those terms are defined in Section 265.00 of the New York State Penal Law, except that this definition shall not include any municipal corporation or any other local, state, or federal government agency;

b. Firearm. As stated in New York State Penal Law Section 265, (a) Any pistol or revolver; or (b) a shotgun having one or more barrels less than eighteen inches in length; or (c) a rifle having one or more barrels less than sixteen inches in length; or (d) any weapon made from a shotgun or rifle whether by alteration, modification, or otherwise if such weapon as altered, modified, or otherwise has an overall length of less than twenty-six inches; (e) an assault weapon, or any other weapon that is not otherwise defined in this section containing any component that provides housing or a structure designed to hold or integrate any fire control component that is designed to or may readily be converted to expel a projectile by action of explosive. The term "Firearm" shall not include an antique and inoperable firearm;

c. Weapon. Any rifle, shotgun, firearm, machine gun or assault weapon including a semiautomatic rifle, shotgun, firearm, as those terms are defined in Section 265.00 of the New York State Penal Law;

d. Site. The facility where any sale and/or transfer of weapons or firearms is conducted.

SECTION 4. Disclosure Notice.

a. Every Dealer located in Albany County engaged in the retail business of selling weapons or firearms shall not sell, deliver, transfer or otherwise dispose of any weapon or firearm to any person unless a notice is posted in the Site where such weapons or firearms are displayed or delivered to the purchaser, at the entrance to the Site and in at least one additional area where sales occur, conspicuously stating, in no smaller than 26-point type and on paper at least 8 and 1/2 inches by 11 inches in bold print the following warning:

WARNING
ACCESS TO A WEAPON OR FIREARM IN THE
HOME SIGNIFICANTLY INCREASES THE RISK OF
SUICIDE, DEATH DURING DOMESTIC DISPUTES,
AND/OR UNINTENTIONAL DEATHS TO
CHILDREN, HOUSEHOLD MEMBERS AND
OTHERS.
IF YOU OR A LOVED ONE IS EXPERIENCING
DISTRESS AND/OR DEPRESSION, CALL THE
MOBILE CRISIS TEAM AT (518) 549-6500 or THE
NATIONAL SUICIDE HOTLINE AT (800) 273-8255.

b. Every Dealer located in Albany County engaged in the retail business of selling weapons or firearms shall not sell, deliver, transfer or otherwise dispose of any weapon or firearm to any person unless it distributes a notice to the purchaser at the time of each individual sale of a weapon or firearm, conspicuously stating, in no smaller than 26-point type and on paper at least 8 and 1/2 inches by 11 inches in bold print the following warning:

WARNING
ACCESS TO A WEAPON OR FIREARM IN THE
HOME SIGNIFICANTLY INCREASES THE RISK OF
SUICIDE, DEATH DURING DOMESTIC DISPUTES,
AND/OR UNINTENTIONAL DEATHS TO
CHILDREN, HOUSEHOLD MEMBERS AND
OTHERS.
IF YOU OR A LOVED ONE IS EXPERIENCING
DISTRESS AND/OR DEPRESSION, CALL THE
MOBILE CRISIS TEAM AT (518) 549-6500 or THE
NATIONAL SUICIDE HOTLINE AT (800) 273-8255.

c. Upon the issuance of or amendment to a firearm or weapon license and/or permit, the County Clerk shall provide the licensee/permittee a written copy of a warning notice conspicuously stating in no smaller than 26-point type and on paper at least 8 and 1/2 inches by 11 inches in bold print the following warning:

WARNING
ACCESS TO A WEAPON OR FIREARM IN THE
HOME SIGNIFICANTLY INCREASES THE RISK OF
SUICIDE, DEATH DURING DOMESTIC DISPUTES,
AND/OR UNINTENTIONAL DEATHS TO
CHILDREN, HOUSEHOLD MEMBERS AND
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IF YOU OR A LOVED ONE IS EXPERIENCING
DISTRESS AND/OR DEPRESSION, CALL THE
MOBILE CRISIS TEAM AT (518) 549-6500 or THE
NATIONAL SUICIDE HOTLINE AT (800) 273-8255.

d. Albany County and its agencies, officers, and/or employees shall not be liable to any party by reason of any injury or damage resulting from the failure of any Dealer to comply with this Chapter or in consequence of any act or omission in connection with the implementation or enforcement of this Chapter.

SECTION 5. Violations and Enforcement.

A. Any infraction of this Chapter, shall be a violation punishable by imprisonment of not more than fifteen days or by a fine of not more than one thousand dollars (\$1,000), or both. Each day that a violation continues shall be deemed a separate offense.

B. The provisions of this Chapter shall be enforced within each municipality by the applicable local police force, including town, city and village police departments and the Albany County Sheriff's Office, which officers are authorized to issue appearance tickets for any violation of this Chapter. Appearance tickets shall be served personally.

SECTION 6. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm, or

corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 7. Effective Date

This law shall take effect immediately upon its filing with the Secretary of State.

Referred to Law and Public Safety Committees – 6/13/22

Favorable Recommendation Law Committee – 7/27/22

Favorable Recommendation Public Safety Committee – 7/28/22

Mr. Mauriello proposed the following amendment:

Delete Section 2 in its entirety and replace with “The purpose of this Local Law is to provide for and promote the health, safety, and welfare of the general public by: 1) providing informational notices about the danger of illegal firearms, and; 2) specifically informing buyers and potential buyers of weapons or firearms in Albany County of the dangers of owning a weapon or firearm, including the risk of being used in suicides and domestic violence.

This Legislature believes that providing information about the danger of and instructions regarding the disposal of illegal firearms can make Albany County safer. This Legislature also believes that notice provided at the point of sale of legal firearms may reduce suicides and discourage those who may be a risk to themselves and others from purchasing a firearm.”;

In Section 3 add “e. Illegal firearm. Any weapon as defined within this Section which is obtained or possessed while failing to comply with licensing provisions as provided in Article 400 of the New York State Penal Law.”;

Insert a new Section 4 as follows:

“SECTION 4. Illegal Firearm Awareness Notice

a. At any home visit conducted by the Department of Mental Health, Department of Probation, Department of Children, Youth, and Families and Department of Social Services within the County of Albany, County personnel shall distribute a notice conspicuously stating, in no smaller than 26-point type and on paper at least 8 and ½ inches by 11 inches in bold print, the following warning:

WARNING

**ILLEGAL GUNS ARE USED IN THE MAJORITY OF GUN-BASED CRIMES
IN THE UNITED STATES. POSSESSION OF AN ILLEGAL GUN
ENDANGERS EVERY MEMBER OF YOUR HOUSEHOLD AND
COMMUNITY.**

YOU CAN NOT BE CHARGED WITH ILLEGAL POSSESSION OF A FIREARM IF IT IS VOLUNTARILY SURRENDERED. IF YOU OR A LOVED ONE POSSESSES AN ILLEGAL FIREARM, YOU CAN VOLUNTARILY DISPOSE OF THE WEAPON BY CALLING THE SHERIFF'S DEPARTMENT AT (518) 487-5400.

b. Every Albany County building which is open for public entry shall, in a prominent place, display a notice conspicuously stating, in no smaller than 26-point type and on paper at least 8 and ½ inches by 11 inches in bold print, the following warning:

WARNING

ILLEGAL GUNS ARE USED IN THE MAJORITY OF GUN-BASED CRIMES IN THE UNITED STATES. POSSESSION OF AN ILLEGAL GUN ENDANGERS EVERY MEMBER OF YOUR HOUSEHOLD AND COMMUNITY.

YOU CAN NOT BE CHARGED WITH ILLEGAL POSSESSION OF A FIREARM IF IT IS VOLUNTARILY SURRENDERED. IF YOU OR A LOVED ONE POSSESSES AN ILLEGAL FIREARM, YOU CAN VOLUNTARILY DISPOSE OF THE WEAPON BY CALLING THE SHERIFF'S DEPARTMENT AT (518) 487-5400.”;

Replace previous “Section 4. Disclosure Notice” with “Section 5. Dealer Disclosure Notice”;

Amend previous Section 5 to read as follows:

“SECTION 6. Infractions and Enforcement.

A. Any infraction of this Chapter shall be punishable by a fine of not more than five hundred dollars (\$500). Before such infraction is issued, dealers shall be issued a warning. Dealers shall have a period of one week to remedy such infraction.

B. The provisions of this Chapter shall be enforced within each municipality by the applicable local police force, including town, city and village police departments and the Albany County Sheriff's Office, which officers are authorized to issue appearance tickets for any infraction of this Chapter. Appearance tickets shall be served personally.”;

In previous Section 6, replace “6” with “7”;

In previous Section 7, replace “7” with “8”

On long roll call vote the following members voted in favor: Messrs. Burgdorf, Collins, Drake, Grimm, Lockart, Mauriello, Perlee, Tunny and Ms. Whalen – 9

Those opposed – Messrs. Beston, Bruschi, Clay, Cleary, Commisso, Domalewicz, Efekoro, Ethier, Feeney, Fein, A. Joyce, R. Joyce, Kuhn, Mss. Lekakis, McLaughlin, McLean Lane, Messrs. Miller, O'Brien, Peter, Reidy, Reinhardt, Ricard, Simpson, Ward and Ms. Willingham – 25

The motion failed.

Mr. Mayo entered the chambers.

On long roll call vote on the original Local Law the following members voted in favor: Messrs. Beston, Bruschi, Clay, Cleary, Commisso, Domalewicz, Efekoro, Ethier, Feeney, Fein, A. Joyce, R. Joyce, Kuhn, Ms. Lekakis, Mr. Mayo, Mss. McLaughlin, McLean Lane, Messrs. Miller, O'Brien, Peter, Reidy, Reinhardt, Ricard, Simpson, Ward and Ms. Willingham – 26

Those opposed – Messrs. Burgdorf, Collins, Drake, Grimm, Lockart, Mauriello, Perlee, Tunny and Ms. Whalen – 9

Local Law was adopted – 8/8/22