

# ORANGE COUNTY LEGISLATURE

**Committees: Public Safety and Emergency Services; Rules, Enactments and Intergovernmental Relations**

**Sponsors: Simmons, Brescia, Bonacic, Hines**

**Co-Sponsors: Berardinelli, Pahucki, Amo, Benton**

**Agenda No. 8**

## RESOLUTION NO. 72 OF 2013

**RESOLUTION CALLING ON THE NEW YORK STATE LEGISLATURE TO REPEAL THE NY SAFE ACT PROVISIONS REQUIRING FIVE-YEAR RENEWALS ON PISTOL PERMITS AS SUCH POLICY WOULD PLACE AN UNREASONABLE BURDEN ON AND BARRIER TO THE CONSTITUTIONAL RIGHT OF LAW-ABIDING CITIZENS TO KEEP AND BEAR ARMS AND IMPOSE AN UNDUE FINANCIAL BURDEN ON THE COUNTY OF ORANGE AND ITS TAXPAYERS.**

**WHEREAS**, the Orange County Legislature and the People of Orange County respect the Constitution of the United States and the Constitution of New York State in their entirety; and

**WHEREAS**, the Second Amendment to the Constitution of the United States clearly states that "the right of the people to keep and bear arms, shall not be infringed;" and

**WHEREAS**, Article XII of the Constitution of the State of New York clearly states, "The defense and protection of the state and of the United States is an obligation of all the persons within the state;" And

**WHEREAS**, the recently enacted NY SAFE ACT abridges the right of law-abiding citizens to keep and bear arms by requiring a renewal of pistol permit application processes, including invasive background checks, every five years, despite the prior licensing provisions which authorized gun owners to have pistol permit licenses in place for life while with good behavior; and

**WHEREAS**, such changes to pistol permit rules constitute a clear *ex post facto* modification to the terms of an existing legal agreement between the government and the holder of said permit; and

**WHEREAS**, the NY SAFE ACT imposes a renewal process on those individuals currently holding such permits by requiring those law-abiding citizens to once again be subject to and pay for rigorous federal and state background checks which they have already passed; and

**WHEREAS**, the right to keep and bear arms is a right, and not a privilege to be modified at the whims of the federal, state or local governments; and

**WHEREAS**, on June 26, 2008, the United States Supreme Court in *District of Columbia v. Heller*, held that an individual's right to keep and bear arms is inherent in the language of the Second Amendment and of the U.S. Constitution. The Court compelled the District of Columbia to issue a firearms permit to the plaintiff, directly indicating that states and federal districts may not take unreasonable steps to deny the Second Amendment right to citizens of the United States through onerous permitting processes; and

**WHEREAS**, the NY SAFE ACT provides no sound basis for increasing the encumbrance upon private ownership of pistols, revolvers, and handguns by requiring a renewal scheme on pistol permits; and

**WHEREAS**, as of the time of the drafting of this resolution, there are approximately 40,000 pistol permit holders in the County of Orange, and those permits are issued by the Pistol Permit Office of This Government; and

**WHEREAS**, the County of Orange also finds that a renewal scheme on pistol permits would place undue financial hardship on the taxpayers of Orange County. The NY SAFE ACT places an undue and another unfunded mandate on local governments who process pistol permits, requiring additional man hours to process the renewal applications; and

**WHEREAS**, the County of Orange is home to a thriving sporting industry, sportsman's federations, as well as active shooting and sportsman's clubs; and

**WHEREAS**, it is the right of the citizens of Orange County to take any measures necessary to be secure in their homes against criminals and other dangerous trespassers.

**NOW THEREFORE**, it is hereby

**RESOLVED**, that the Legislature of the County of Orange does hereby oppose NY SAFE ACT including those mandatory provisions that require a five year renewal of pistol permits; and be it further

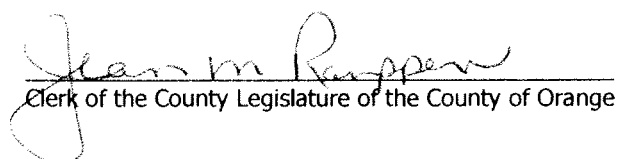
**RESOLVED**, that the Legislature of the County of Orange does hereby call upon the Honorable Sheldon Silver, Speaker of the Assembly, and the Honorable Dean G. Skelos, Senate Majority Leader, to repeal the NYS SAFE ACT and/or the provisions that require a five year renewal of pistol permits; and be it further

**RESOLVED**, that the Clerk of the Orange County Legislature is hereby directed to forward certified copies of this Resolution to the Honorable Andrew Cuomo, Governor of the State of New York, Senate Vice President Pro Team George D. Maziarz; Senate Temporary President Dean G. Skelos, Senate Deputy Majority Leader Thomas W. Libous, Senator Gregory R. Ball, Senator John J. Bonacic, Senator William J. Larkin, Member of the Assembly Aileen M. Gunther, Member of the Assembly Annie G. Rabbitt, Member of the Assembly James Skoufis, Speaker of the Assembly Sheldon Silver, Assembly Majority Leader Joseph D. Morelle, Assembly Minority Leader Brian M. Kolb, and all others deemed necessary and proper.

**STATE OF NEW YORK  
COUNTY OF ORANGE**

**THIS IS TO CERTIFY THAT I, JEAN M. RAMPEN**, Clerk of the County Legislature of said County of Orange, have compared the foregoing copy of resolution with the original resolution now on file in my office and which was passed by the County Legislature of said County of Orange on the 5th day of April, 2013, and that the same is a correct and true transcript of such original resolution and the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the official seal of said County Legislature this 8th day of April, 2013.

  
Clerk of the County Legislature of the County of Orange