

ORANGE COUNTY LEGISLATURE

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

Sponsors: Simmons, Brescia, Bonelli

Co-Sponsors: Berardinelli, Amo, Castricone, Donnery, Pahucki, Anagnostakis, Benton, Buckbee, Hines, Pillmeier

Agenda No. 9

RESOLUTION NO. 73 OF 2013

RESOLUTION CALLING UPON THE NEW YORK STATE LEGISLATURE AND GOVERNOR CUOMO TO SIGN INTO LAW, LEGISLATION WHICH PROTECTS THE PRIVACY OF NEW YORK STATE PISTOL LICENSE AND CONCEALED CARRY PERMIT HOLDERS.

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 right to privacy of citizens, particularly within the confines of their own homes, is a cherished American tradition emanating from the Fourth, Ninth and Fourteen Amendments, and a right affirmed by the United States Supreme Court; and

WHEREAS, the Journal News, a newspaper based in Westchester County, did obtain through Freedom of Information Law filings, the names and addresses of pistol permit holders in Westchester and Rockland counties, and has demanded the same in Putnam County, and may seek such information anywhere in the State of New York under the same law; and

WHEREAS, the Journal News, did then use said pistol permit information to create an interactive map of pistol permit owners' homes; and

WHEREAS, in addition to jeopardizing the privacy of citizens exercising their Second Amendment rights, this also jeopardizes the safety of those citizens who have elected not to exercise their Constitutional right to keep and bear arms by identifying for criminals which households are less likely to resist an invasion; and

WHEREAS, this information has already been utilized by criminals currently incarcerated at the Rockland County jail and other prisons, who have taunted guards by informing them they now know their home addresses, such information having been gleaned from the interactive maps created by The Journal News; and

WHEREAS, the Honorable Michael H. Ranzenhofer of Clarence, New York and several of his Senate colleagues introduced Senate Bill No. S.2360 during the last session, and the Honorable

Gregory R. Ball of Patterson, in Putnam County, did while serving in the assembly, introduce in various years, similar legislation; and

WHEREAS, said legislation was unable to gain passage because the leadership of the New York State Assembly, refused to allow it to be acted on in committee; and

WHEREAS, Senator Ball has indicated he will re-introduce this legislation again this session; and

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

WHEREAS, the SAFE ACT and it's provisions for "opting out" of divulging pistol permit information is an undue and unnecessary financial and record keeping burden upon the taxpayers of Orange County; and

NOW, THEREFORE, be it hereby

RESOLVED, that the Legislature of the County of Orange does hereby call upon the New York State Legislature to set as a top legislative priority the passage of legislation amending section 400 subdivision 5 of the Penal law, to make privileged and confidential the personal information of pistol permit holders and applicants, and be it further

RESOLVED, that the Legislature of the County of Orange calls upon the leadership of the New York State Assembly to cease its blocking of such legislation, and be it further

RESOLVED, that the Orange County Legislature calls upon its full delegation to the New York State Assembly to vote in the affirmative on any bill as shall increase protection of the identities of pistol permit holders, except as such protections shall be included with legislation that restricts the Second Amendment rights of New Yorkers, and be it further

RESOLVED, that the Legislature of the County of Orange does hereby call upon the New York State Senate to vote upon, and pass, such legislation immediately, and be it further

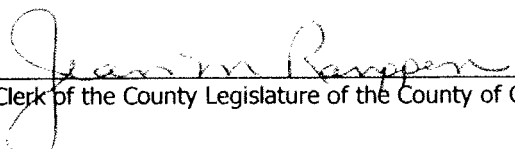
RESOLVED, that the Legislature of the County of Orange calls upon Governor Cuomo to endorse such legislation and sign it into law immediately upon its enactment by the New York State Legislature, and be it further

RESOLVED, that the Clerk of the Orange County Legislature is hereby directed to send 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