

WITHDRAWN AS OF 11/29/2016
AMENDED COPY AS OF 10/4/2016

Intro. Res. No. 1777-2016
Introduced by Presiding Officer Gregory

Laid on Table 9/7/2016

RESOLUTION NO. -2016, ADOPTING LOCAL LAW
NO. -2016, A LOCAL LAW TO REQUIRE SAFE STORAGE OF
FIREARMS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on September 7, 2016, a proposed local law entitled, "**A LOCAL LAW TO REQUIRE SAFE STORAGE OF FIREARMS**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2016, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO REQUIRE SAFE STORAGE OF FIREARMS

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that injuries and fatalities attributable to unsecured or improperly stored firearms are a serious threat to public health.

This Legislature also finds and determines that reasonable regulation of the storage of firearms is necessary and proper to enhance safety in the home and reduce the incidence of violent crime while respecting the rights of gun owners.

This Legislature further finds and determines that unintentional shootings or impulsive acts of domestic violence and self-inflicted harm are significantly increased in households where firearms are unsecured, unlocked and easily accessible to children and unauthorized users.

This Legislature finds that studies have determined that 70 percent of child shooting deaths could have been prevented if the firearm had been properly secured and further this Legislature views such preventable child deaths as not merely tragic, but as a pediatric health crisis which our society must take action to address.

This Legislature also determines that improperly stored firearms can contribute to the occurrence of incidents of intentional self-harm and research suggests that the risk of suicide increases in homes where firearms are kept unlocked or unsecured.

This Legislature also finds that some of the most horrific acts of violence in this country's recent history have involved the use of firearms in the school setting.

This Legislature further finds that secure storage of firearms can help avert tragedy by preventing children from accessing their parents' unsecured firearms and bringing them to school.

This Legislature further determines that legally owned firearms which are improperly stored are attractive to burglars and criminals engaged in property crimes against lawful gun owners. In the years 2011 through 2015, an average of 152 firearms were reported stolen in Suffolk County each year. From January through August of 2016, 71 firearms were reported stolen thus far.

This Legislature finds that securing firearms in locked storage would make stealing these weapons from lawful gun owners more difficult, thereby reducing the number of stolen guns on the streets of Suffolk County in the hands of criminals.

Therefore, the purpose of this law is to regulate the storage of firearms to keep firearms out of the hands of children, other unauthorized users and criminals and to promote responsible gun ownership.

Section 2. Definitions.

“FIREARM” – shall mean any weapon from which a shot is discharged by force of an explosive, or a weapon which acts by force of gunpowder, and shall include any weapon capable of being loaded with powder, ball or ammunition, including but not limited to handguns, pistols, rifles, shotguns, and machine guns, whether completed, assembled or from which any part or piece has been removed therefrom.

“PERSON” – shall mean any natural person, firm, partnership, association, corporation, company or organization of any kind.

“SAFETY LOCKING DEVICE” – shall mean a design adaptation or attachable accessory that will prevent the use of the firearm by an unauthorized user, and includes, but is not limited to, a trigger lock, which prevents the pulling of the trigger without the use of a key, or a combination handle, which prevents the use of the weapon without the alignment of the combination tumblers.

“SAFE STORAGE DEPOSITORY” – shall mean a safe or other secure container which, when locked, is incapable of being opened without the key, combination or other unlocking mechanism and is capable of preventing an unauthorized person from obtaining access to and possession of the firearm contained therein.

Section 3. Safe Storage Depositories or Safety Locks Required.

No person who owns, controls or is custodian of a firearm shall store or otherwise leave such firearm out of his or her immediate possession or control without having first either 1) securely locked such firearm in an appropriate safe storage depository or 2) rendered such firearm incapable of being fired by use of a safety locking device appropriate to that firearm.

Section 4. Penalties for Offenses.

Any person who shall violate or shall neglect or refuse to comply with Section 3 of this local law:

1. upon conviction of a first offense, shall be guilty of a violation punishable by a fine not exceeding \$250 or by imprisonment not exceeding 15 days;

2. upon conviction of a second offense, shall be guilty of a misdemeanor punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Section 5. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 7. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 8. Effective Date.

This law shall take effect one hundred eighty (180) days after its filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: