

COUNCIL RESOLUTION #49 OF 2018

SUPPORTING THE ENACTMENT OF “RED FLAG”, “EXTREME RISK PROTECTION ORDER” LEGISLATION ALLOWING LOCAL POLICE AUTHORITIES TO SEIZE FIREARMS FROM INDIVIDUALS POSING RISK OF IMMINENT HARM TO SELF OR OTHERS.

By Councilor Giannettino

March 15, 2018

WHEREAS, The City of Auburn is a community that values all life and believes its residents are its most precious asset; and

WHEREAS, the City of Auburn is concerned that our Law Enforcement officials may not have all the necessary tools available to protect all life and to prevent gun violence; and

WHEREAS, current State and Federal Laws are mainly focused on preventing those individuals adjudicated as mentally defective from purchasing and possessing firearms; and

WHEREAS, a loop hole exists for individuals who have yet to be adjudicated as mentally defective, but who may already own and possess firearms, as well as for individuals displaying “red flags” or warning signs of potentially violent behavior; and

WHEREAS, according to a nationwide study entitled, “Every Town for Gun Safety, Mass Shootings in the United States: 2009-2016,” it was discovered that in 42% of shooting incidents, evidence has shown that the perpetrator displayed warning signs beforehand; and

WHEREAS, it is also a known fact that often times family members and law enforcement are the first to see warning signs or “red flags” from individuals in crisis who may pose a threat to themselves or others; and

WHEREAS, legislation that permits family members and law enforcement to seek court orders, which would allow guns to be removed from individuals in crisis prior to an attempt to harm themselves or others is a common sense approach and it is a necessary step to increasing an individual and a societal safety net; and

WHEREAS, individual rights and due process are necessary components to this requested legislation and provide that in situations where an individual has their firearms seized because they are believed dangerous and displaying “red flag” indicators, this same individual will be afforded the opportunity to be heard and respond to the evidence presented against them.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Auburn, New York, that it hereby supports and urges our State and Federally elected officials to pass what is commonly known in other enacted states as “Red Flag” legislation; and

City of Auburn, New York

BE IT FURTHER RESOLVED, that the City Clerk is directed to forward certified copies of this resolution to Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman John Katko, Governor Cuomo, Senator DeFrancisco, Senator Pamela Helming and Assemblyman Finch.

Seconded by Councilor Cuddy

	Ayes	Noes
Councilor McCormick	X	
Councilor Giannettino	X	
Councilor Cuddy	X	
Councilor Carabajal	X	
Mayor Quill	excused	
Carried and Adopted	X	

