

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends passage of "AN ACT amending the Laws of Westchester County to prohibit participation in a gun show on County-owned property."

Your Committee was recently made aware that the Administration has arranged for NorthEast Gun Shows, Inc., Westchester Collectors and the National Rifle Association (NRA), Local Affiliate, to host a gun show at the Westchester County Center on January 21st and January 22nd of 2017. Military style weapons, ammunition and handguns will be sold, amongst other items except those prohibited by the New York State Safe Act. There has not been a gun show in a county owned facility since 2012.

Your Committee believes that taxpayer funded parkland and facilities should not be used as a place for people to obtain violent weapons. The County Center is the home of an exciting local basketball team, the place where many children graduate and where families come to learn. Hosting the sale of firearms on County property will create an increased safety risk to the residents of Westchester and our neighboring communities. Gun shows often lead to illegal private sales, conducted in grey-market transactions before and after the show. We need to be working to make our communities safer by reducing the number of guns on the street, not promoting weapons with taxpayers' dollars.

Your Committee is informed that according to the Bureau of Alcohol, Tobacco Firearms & Explosives (ATF), 30 percent of guns involved in federal illegal gun trafficking investigations are connected in some way to gun shows. A study by the ATF in June of 2000, after conducting over 1,500 investigations, concluded that gun shows are a "major trafficking channel," associated with 26,000 firearms diverted from legal to illegal commerce. According to the study, gun shows rank second to corrupt dealers as a source for illegally trafficked firearms. Another study explained that, while violent criminals do not buy most of their guns directly from gun shows, gun shows are "the critical moment in the chain of custody for many guns, the point at which they move from the somewhat-regulated legal market to the shadowy, no questions-asked illegal market." (http://everytown.org/wp-content/uploads/2014/08/Following-the-Gun_Enforcing-Federal-Laws-Against-Firearms-Traffickers.pdf)

Your committee notes that in 2011 New York State Attorney General Eric Schneiderman conducted an eight-month investigation into the practices of vendors at gun shows throughout the State. He stated that there was “blatant disregard for gun show laws” and revealed that on many occasions, weapons sellers at gun shows failed to ensure that a National Instant Criminal Background (NICS) check was conducted on the prospective gun buyer, as required by state law. These illegal sales, classified as misdemeanors, took place even after undercover investigators told the gun sellers that they had orders of protection against them and could not pass a background check. On some occasions, sellers agreed to sell the weapon to the undercover officer and then left the premises of the gun show in an attempt to evade the background check requirement by selling the firearm in a location other than the gun show itself.

Your Committee is aware that Federal law requires Federal Firearm Licensees (FFL's) to complete background checks prior to the sale of a gun. Delivery of the firearm is permitted within three business days even if the check is not completed. Thousands of people fail their background check and fall through this loophole each year (<http://www.fbi.gov/about-us/cjis/nics/reports/2012-operations-report>). In 2009 New York City issued a report on illegal sales at gun shows. They found that 94% of federally licensed dealers approached by investigators willingly sold to an apparent straw purchaser. A straw purchase is when a dealer allows someone to fill out the paperwork and undergo a background check but that person is not actually the purchaser of the gun (http://www.nyc.gov/html/om/pdf/2009/pr442-09_report.pdf).

Your Committee notes that New York State does not require waiting periods for the completion of gun sales. According to the United States Centers for Disease Control and Prevention (CDC) most gun deaths are suicides. Guns allow people to kill themselves more easily. The fatality rate for suicide with a firearm is over 90% as opposed to other common methods such as cutting or poison which stands at less than 10%. Places with the highest rate of gun ownership report the greatest number of suicides. A cooling off, or waiting, period helps reduce cases of suicide and other impulsive acts of violence. In 2015 research published in The American Journal of Public Health showed that states with waiting periods had 27% fewer suicides per capita and

51% fewer firearm suicides. This proposed Act will prevent a taxpayer funded facility from being the access point a suicidal person has to lethal means.

Your Committee notes that according to news accounts, since the tragedy at Sandy Hook Elementary School there have been 1244 mass shootings, with 379 in 2016 alone. United Nations data shows that America dramatically exceeds other developed countries when it comes to gun related homicides. After analyzing this research, the Harvard School of Public Health found that United States rampant gun violence is correlated to the large quantity of guns owned by Americans, per capita. In December of 2016, during the week of the anniversary of the incident at Sandy Hook Elementary School, a ninth grader threatened the student body at Westlake High School in Mount Pleasant and posted videos of himself at target practice, pictures with shotguns and other photos with firearms. Gun shows on county property will add to the proliferation of guns in Westchester, its surrounding communities and will lead to more gun violence, loss of life and serious injuries.

Your Committee notes the CDC reports that between 2010-2014, 91 Americans on average were killed with guns per day. On Christmas Day in 2016, in Mount Vernon, one person was killed and five were wounded. The victim was a 38 year old father of two young children.

Your Committee finds that Westchester County has made substantial efforts to stem this tide of gun violence. In the year 2000, the County adopted the Westchester Gun Safety Act to ensure that handguns are kept locked or stored securely to prevent access by children and others who should not have access to them. In January 2008, the County announced a program offering rewards of up to \$1,000 for information about illegal guns to help stem gun violence. In March 2009, the County and the cities of Yonkers and Mount Vernon announced a high-tech collaboration to curb gun violence by bringing state-of-the-art gunshot detention technology of the cities of Yonkers and Mount Vernon.

Your Committee is aware that in 1999, Los Angeles County enacted a similar law prohibiting gun shows on county owned property. Legal challenges were attempted but all failed.

Your Committee believes that continuing to promote a culture of violence and the glorification of firearms is not in the best interest of Westchester County. Recreational county facilities always serve our residents best when used for sporting events, concerts, trade shows and educational activities for our youth. This Act will address those concerns by prohibiting gun shows on all County-owned property, including the County Center. This proposed law does not impede 2nd Amendment rights or how effective gun control laws are. Several private properties throughout Westchester can accommodate gun shows. During the time that County Executive Spano and County Executive Astorino were not permitting these events at the County Center, they continued to take place in other non-governmental facilities. Your committee believes gun shows are not what taxpayer-financed property should be used for. Specifically this Act will prevent persons from knowingly: organizing, producing, sponsoring, planning, promoting or operating a gun show on County owned property; or exhibiting, selling, transferring, exchanging, offering for sale, transfer or exchange firearms, rifles, shotguns or ammunition at a gun show on County-owned property.

An affirmative vote of a majority of the voting strength of your Honorable Board is required for approval of this Act. Due to the deficiency of enforcement prohibiting straw sales and grey-market purchases at gun shows, your Committee does not believe county-owned facilities are an appropriate venue for such activities.

As you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA"). Your Committee is advised that the Department of Planning has reviewed the applicable SEQRA regulations and has concluded that since the proposed action does not "change the use, appearance or condition of any natural resource or structure," or otherwise affect the environment, with respect to SEQRA, this does not constitute an action as defined in 6 N.Y.C.R.R. §617.2(b), and as such, no further environmental review is required.

In light of the aforementioned after careful consideration, your Committee recommends the adoption of this proposed Act to amend Article II of Chapter 712 of the Laws of Westchester County by adding new section 712.55 to the Laws of Westchester County.

ACT NO. 2018

AN ACT amending the Laws of Westchester County to prohibit participation in a gun show on County-owned property.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. Article II of Chapter 712 of the Laws of Westchester County is amended by adding a new Section 712.155, to read as follows:

Sec. 712.155. Gun Shows.

A. Notwithstanding any law, rule or regulation to the contrary, no person shall participate in a gun show on County owned property.

B. The following definitions shall apply to this section:

1. *Ammunition* has the same meaning as that term is defined in 18 U.S.C. §921(a)(17).

2. *County-owned property*. All real property acquired by or under the jurisdiction and/or control of the County of Westchester or which may hereafter be acquired by or through it or come under its jurisdiction or control, including, but not limited to, property under the jurisdiction of the Westchester County Department of Parks, Recreation and Conservation.

3. *Firearm* has the same meaning as that term is defined in 18 U.S.C. §921(a)(3), but shall not include an “antique firearm” as that term is defined in 18 U.S.C. §921(a)(16)

4. *Gun show*. a. gun show or an event is a function sponsored by any national, State, or local organization, devoted to the collection, competitive use, or other sporting use of

firearms, or an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.

b. Any event intended to facilitate, in whole or in part, whether for profit or not, the: exhibition; purchase; sale; transfer; exchange; offer for sale, transfer or exchange; or collection of firearms, rifles, shotguns or ammunition.

5. Participate in a gun show shall mean to knowingly: (a) organize, produce, sponsor, plan, promote, or operate a gun show on County-owned property; or (b) exhibit, sell, transfer, exchange, offer for sale, transfer or exchange firearms, rifles, shotguns or ammunition at a gun show on County-owned property.

6. Person. Any natural person, corporation, society, organization of persons, company, association, joint stock association, firm, co-partnership or legal entity whatsoever.

7. Rifle has the same meaning as that term is defined in 18 U.S.C. §921(a)(7).

8. Sale. Any transaction, with or without the exchange of consideration, which transfers ownership, title, possession, or control of any firearm, rifle, shotgun or ammunition, or gives, loans, leases, or delivers such firearm, rifle, shotgun or ammunition. A "sale" includes the act of placing an order for any of the aforementioned transfers.

9. Shotgun has the same meaning as the term is defined in 18 U.S.C. §921(a)(5).

C. Exceptions. This section shall not apply to activities in connection with the lawful administration of court proceedings, or conduct by a police officer or peace officer when on duty and such conduct is within the scope of his/her duties. In addition, this section shall not apply to: (a) the Sportsmen's Center in the park known as Blue Mountain Reservation in the Town of Cortlandt, for the purpose of the exhibition of firearms, rifles,

shotguns or ammunition when the same are held or carried for the purpose of being used to shoot a target from designated firing lines or firing positions at the Sportsmen's Center, or to the sale of ammunition at the Sportsmen's Center by personnel employed by such center in the course of their duties; or (b) to the public administrator in the distribution of a private estate or to the sale of firearms, rifles, shotguns or ammunition by its auctioneer to fulfill its obligations under state law.

Section 2. This Act shall take effect immediately.

