

NATIONAL RIFLE ASSOCIATION OF AMERICA

POLITICAL VICTORY FUND

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA-PVF

April 29, 2020

Dear New York Candidate:

As the 2020 New York Primary Election approaches, the National Rifle Association Political Victory Fund (NRA-PVF) is receiving requests for candidate positions on Second Amendment and hunting-related issues.

To provide our members with current and accurate information, I have enclosed a questionnaire for your response. This information will be used, in part, to determine candidate NRA-PVF ratings, which will be communicated to NRA members. **If you choose not to return a questionnaire, you may be assigned a "?" rating, which can be interpreted by our members as indifference, if not outright hostility, toward Second Amendment-related issues.**

Please return a completed and signed questionnaire **as soon as possible** in PDF format to ilacq@nrahq.org, by fax to 703-267-3976 or by mail with the enclosed envelope. **Please note that the original document must also be returned through the mail; however, we strongly encourage you to email or fax the questionnaire to expedite the rating process.* You are invited to submit any additional materials or information that may clarify your position on firearm-related issues.

Should you have any questions concerning the questionnaire or the rating process, please feel free to contact me at 703-267-1223.

Sincerely,

A handwritten signature in black ink, appearing to read "Darin Goens", written in a cursive style.

Darin Goens
State Director



NRA-PVF

NATIONAL RIFLE ASSOCIATION OF AMERICA
POLITICAL VICTORY FUND
11250 WAPLES MILL ROAD
FAIRFAX, VA 22030-7400
FAX (703) 267-3976

2020 New York Candidate Questionnaire

Name: Beau A.C. Harbin
Campaign Name: Friends of Beau Harbin
Address: 25 W. Court St.
City: Cortland, NY Zip Code: 13045
Office Sought: NYS Assembly District: 125 Party: Democrat
Campaign Phone: 607.275.4292 Fax: _____
Website: Vote harbin.com Email: beau@voteharbin.com

For information on New York firearm laws,
please visit www.nraila.org and click on the "Gun Laws" feature located in the menu.

1. Do you agree that the Second Amendment to the United States Constitution guarantees a fundamental, individual right to keep and bear arms that applies to all law-abiding Americans, regardless of where they live in the United States?

- a. Yes.
- b. No.

2. Considering current New York state firearm laws, do you support any additional restrictive state legislation regulating the manufacture, sale, use or possession of firearms or ammunition?

- a. Yes, for all firearms and ammunition. Please explain: _____
- b. Yes, for certain firearms and/or ammunition. Please explain: AR-15s + Assault-style weapons
- c. No, current state firearm laws are sufficient.
- d. No, current state firearm laws should be improved to benefit law-abiding gun owners and sportsmen in New York.

3. Many .50 caliber firearms are used in big game hunting and target competition, and the .50 caliber BMG cartridge has been used for nearly a century. Would you support state legislation prohibiting the ownership and/or sale of any .50 caliber firearms or ammunition in New York?

- a. Yes, I would support such legislation.
- b. No, I would oppose such legislation.

4. New York's Office of Parks, Recreation and Historic Preservation forbids carrying loaded firearms in state parks. More than half of the states now allow concealed carry permit holders to carry in state parks. Would you support legislation that would change the regulation to allow concealed carry permit holders to carry firearms within New York state parks?

- a. Yes, I would support such legislation.
- b. No, I would oppose such legislation.

5. In January 2013, Governor Cuomo signed the "Safe Act" into law, amending New York's existing semi-automatic "assault weapon" ban. This overreaching legislation forced law-abiding gun owners to register their firearms within a year, and doesn't allow for transfers to other residents of the state. It also required background checks on ammunition purchases effective in January of 2014. That provision was temporarily suspended because the state was unable to create a database to conduct these checks. The U.S. District Court, Western District of New York, declared one of the provisions – the seven-round magazine limit – arbitrary and unconstitutional. Given the multiple problems with this poorly crafted and unconstitutional law, would you support?

- a. Complete repeal of the "SAFE Act."
- b. Amending the "SAFE Act." Please explain. _____
- c. Leaving the "SAFE Act" in its current form.

6. Forty-nine states have some form of firearms preemption that gives the state sole responsibility in the field of firearms regulations. Preemption laws prevent counties and local municipalities from passing local laws and legislation to regulate firearms. New York does not have a firearms preemption law. Therefore, counties, towns, villages and cities in New York can pass local laws to regulate firearms, in addition to the regulation by New York State. **Would you support state firearms preemption legislation, which would have the effect of preventing counties and local municipalities from passing and enforcing their own additional firearms regulations?**

- a. Yes, I would support such legislation that would require gun laws to be passed solely by the Legislature, thereby having uniform laws for the entire state.
- b. No, I would oppose such legislation and continue to permit local governments to pass their own restrictions on firearms, even if more restrictive than state law.

7. New York is one of only a few states which requires gun registration. The state already had handgun registration and registration of long guns in New York City, and the 2013 "SAFE Act" went even further, requiring numerous semi-automatic pistols, shotguns and rifles to be registered. Criminals do not register firearms, and a registration database has no impact on preventing crime. Registration costs taxpayers millions, if not billions of dollars, through the creation and maintenance of records and automated systems. Because of the excessive cost and ineffectiveness of gun registration, Canada repealed such a system after wasting billions of dollars while criminals continued to ignore the law. For these reasons, many states explicitly forbid the registration of firearms. **Would you support?**

- a. A complete repeal of all provisions that require firearm registration in state law, joining the vast majority of states which have no such requirement.
- b. Repealing only the firearm registration components enacted in the SAFE Act.
- c. Leaving New York's complete registration scheme as is.

8. Lawmakers at the state and local level have been introducing legislation to criminalize the failure to report the loss or theft of a firearm within a certain period of time. Proponents claim, although they have never demonstrated, that this will deter illegal firearms trafficking. While the NRA certainly does not oppose the reporting of lost and stolen firearms, it does oppose stigmatizing and punishing the victims of crime or those who suffer loss from events that are not their fault. The message these laws send is that persons whose firearms are lost or stolen are to blame or are complicit in the criminal acts of another person. **Would you support legislation making it a crime to fail to report the loss or theft of a firearm?**

- a. Yes, I would support such legislation. Please explain: _____
- b. No, I would oppose such legislation because it has no demonstrated effect on crime and creates an unwarranted presumption that gun owners are responsible for their own victimization or misfortune.

9. Microstamping legislation is annually introduced in the New York state legislature to require all semi-automatic handguns delivered to a licensed firearm dealer in New York to mechanically stamp certain information about the firearm (such as the make, model and serial number) on the cartridge case when the gun is discharged. This legislation would not exempt models currently available, making all of these guns illegal for sale in New York unless they are redesigned by their manufacturers, which would vastly increase the cost of these firearms. If enacted, the availability of semi-automatic handguns in New York will be seriously curtailed, as manufacturers may choose not to make or sell firearms for purchase in the state. Microstamping is also an unproven technology that is easily defeated with common household tools and the replacement of a few small parts. **Would you support legislation mandating "microstamping" in New York?**

- a. Yes, I would support such legislation for all semi-automatic handguns.
- b. No, I would oppose such legislation.

10. Gun control supporters have promoted legislation that would require all new firearms to be equipped with "smart" gun features supposedly designed to prevent a firearm from being fired by someone other than its owner. Their proposals range from utilizing fingerprint technology designed to limit functionality to only one authorized user, to placing tracking and disabling devices in the firearm, which functionally allow the government to track and remotely disable any "smart" gun. "Smart" gun technologies are still in the developmental stage, and studies have found that they are not technically reliable. Gun control advocates never mention the fact that these technologies are commercially unavailable, are proven unreliable, would constitute a significant invasion of privacy, and will substantially increase the cost of new firearms. **Would you support legislation mandating the sale of "smart" guns?**

- a. Yes, I would support such legislation.
- b. No, I would oppose such legislation.

11. New York's shooting ranges have had long-standing records of safety. They provide important public services including recreation and training opportunities to many citizens and groups, including law enforcement organizations. However, population shifts from urban to suburban and rural areas have moved new groups of residents closer to existing and long-established ranges. This has resulted in lawsuits and complaints filed by newcomers against range owners and operators, as well as the passage of local ordinances or resolutions aimed at curtailing range activities or shutting these facilities down. Currently, in New York, there is very limited protection for established shooting ranges that relates only to noise issues. **Would you support legislation that both strengthens and expands the existing law to protect these ranges from frivolous actions relating to noise, lead and outdoor lighting?**

- a. Yes, I would support range protection legislation.
 b. No, I would oppose range protection legislation.

12. Legislation to ban persons on the so-called "Terrorist Watchlist" – which is comprised of several secret federal government lists – from purchasing or possessing firearms has been introduced in the Congress and several states. The "Watchlist" currently contains approximately 1.1 million names and is fraught with errors. The listing process is highly subjective, highly secretive, and affords virtually no due process or the opportunity to challenge mistakes. At one point, for example, the late U.S. Senator Ted Kennedy (D-Mass.), former U.S. Rep. John Dingell (D-Mich.), and children as young as two were included on the "Watchlist." The NRA opposes the use of secret government lists to deny Americans their fundamental Second Amendment rights without due process of law. **Do you:**

- a. Agree that secret government lists should not be used to deny Second Amendment rights and oppose this legislation.
 b. Disagree and support legislation authorizing the use of secret government lists to deny Second Amendment rights.

13. **Do you agree that an individual should be entitled to judicial due process – including notice of the relevant accusations, opportunity to appear at a hearing before a neutral judge and to present evidence in his or her favor, and access to legal representation – before the individual is declared legally ineligible to possess firearms or forced to surrender any firearms the individual owns?**

- a. Yes, the Second Amendment is an important liberty interest for all Americans, and it should not be denied without stringent due process.
 b. No, it's always better to err on the side of safety where firearms are concerned, even if that results in a person being denied Second Amendment rights without due process.
 c. Other. Please explain: _____

14. Under current federal law, handgun purchases from a federally licensed dealer are restricted to individuals who have reached the age of 21. Some have argued this purchase restriction should be extended to all firearms, including rifles and shotguns, effectively denying them their Second Amendment rights. In addition, some lawmakers want to go even further and prohibit the possession and ownership of firearms by anyone under the age of 21. The NRA believes that 18-20 year old adults have the same constitutional rights as all Americans, and such restrictions only limit the right of law-abiding citizens to protect themselves against violent attack while doing nothing to combat crime. **Do you believe law abiding adults 18-20 years of age should be prohibited from purchasing or possessing firearms?**

- a. I support extending the current handgun purchase prohibition by those under 21 to include all firearms.
 b. I support extending the current handgun purchase prohibition by those under 21 to also prohibit possession and ownership of handguns only.
 c. I support extending the current handgun purchase prohibition by those under 21 to also prohibit the purchase, possession, or ownership of any firearm.
 d. I support extending the current handgun purchase prohibition by those under 21 to also prohibit the purchase, possession, or ownership of semi-automatic rifles and shotguns.
 e. I oppose any effort to extend the current handgun purchase prohibition in any way. I believe 18-20 year olds have the same constitutional rights as all citizens.

15. In 2019, A.1413 (Simon) was introduced in the New York Assembly and would have banned firearms from being raffled as prizes for groups raising money for a whole host of community activities. Many conservation groups, law enforcement associations and fire departments, among others, utilize these popular raffles to raise money to support their programs and departments. Before taking possession of a firearm, raffle winners are required under existing state and federal law to pass a NICS background check conducted by a federal licensed firearms dealer the same way any typical retail gun purchase would be made. Criminals do not acquire firearms this way, and there is zero evidence that banning this common practice would have any impact on public safety. **Would you support?**

- a. Banning these raffles outright, or
 b. Allowing groups to continue this common and legal practice of raffling firearms to raise money for a plethora of good causes.

16. In 2019, S.1413 (Parker) was introduced in the New York Senate and would have required New Yorkers to surrender their social media usernames and passwords as part of any gun permitting application process. Law enforcement presumably would review an applicant's social media posts prior to approving any pistol permits and firearms licenses. With no objective standard, a person's ability to exercise both their First and Second Amendment rights would now be arbitrarily and subjectively scrutinized by New York law enforcement. In addition, this time consuming endeavor would consume vast amounts of public resources at tremendous expense to the state. No other state has a similar law, and for good reason. This bill is fraught with constitutional issues, serious privacy concerns and presents numerous logistical and fiscal challenges. **Would you:**

- a. Support this legislation.
- b. Oppose this unconstitutional infringement of both the First and Second Amendment rights of New Yorkers.

17. **Would you support state legislation imposing an additional tax specifically targeted at the retail sale of firearms or ammunition?** **All firearm and ammunition sales are currently subject to an 11% federal excise tax known as the Pittman Robertson Act and applicable state and local taxes.*

- a. Yes, I would support such a tax.
- b. No, I would oppose such a tax.

18. Under federal law, persons convicted of qualifying domestic violence misdemeanors, or who are subject to specified domestic violence protection orders, are included in the NICS background check database and prohibited from possessing or receiving a firearm. New York law has additional restrictions. For example, New York courts must require the immediate surrender of all firearms by a person when issuing an order of protection, including a temporary order in certain cases (e.g., involving injury, or the use or threatened use of a weapon). The courts have the discretion to impose the surrender of firearms in other cases where orders of protection are issued. In domestic violence cases, **which of the following do you support?** *(check all that apply)*

- a. Current state and federal laws already adequately address firearm possession in domestic violence cases and no additional legislation is necessary.
- b. New York state law should be toughened to include mandatory firearm surrender requirements for domestic violence misdemeanor offenses.
- c. New York state law should be toughened to include additional mandatory firearm surrender for domestic violence protection orders, even for orders that are temporary and ex parte (without prior notice to the affected person).
- d. New York law should be toughened with respect to both misdemeanor offenses and orders of protection, and in other ways.

19. Some states have introduced legislation that would require a process to identify and ban the distribution of certain "toxic chemicals," including lead, which is a core component in most ammunition. Such a sweeping move has the potential to ban the sale and use of virtually all ammunition. **Would you support such legislation?**

- a. Yes, I would support such legislation. Please explain: _____
- b. No, I would oppose such legislation.

20. Nationwide, the number of hunters has been declining over the past several years. Research indicates that states with restrictive minimum hunting ages have the lowest hunter recruitment rates. Statutory minimum hunting ages prohibit parents from deciding when their children are mature enough to hunt. Contrary to the claims, eliminating minimum hunting ages does not jeopardize safety. The 29 states with no minimum age laws have a better collective safety record than the states with such restrictions. Such evidence illustrates that parents can be trusted to make the right decisions for their families. **Would you support legislation lowering or eliminating minimum hunting ages?**

- a. Yes, I would support legislation reducing or eliminating the minimum hunting age.
- b. No, I would oppose legislation reducing or eliminating the minimum hunting age.
- c. Other. Please explain: _____

21. **Are you a member of the National Rifle Association, the New York State Rifle and Pistol Association or any other firearm/shooting sports/sportsmen's organization?**

- a. Yes. NRA Membership #: _____ Other Organization(s): _____
- b. No.

22. Have you ever run for or held an elected office?

a. Yes. Please specify: Cortland County Legislator
 b. No.

Please use the space below or a separate sheet of paper for additional comments.
If your campaign has released a position paper on firearms issues, please feel free to include it as well.
Thank you for your time and consideration.

--AUTHORIZATION--

This signature attests that the above information accurately represents the views of the candidate.

Candidate's Signature: _____

Date: _____

5/11/2020