

**P PAUL PAPPALARDO**

80 STANWICH RD.  
GREENWICH, CT. 06830  
Hm 1 203 769 0140  
[ppp56@aol.com](mailto:ppp56@aol.com)

January 27, 2013

Committee on Gun Safety

Attached, please find a response by the New York State Sheriffs' Association, to the New York State, "NY SAFE ACT" passed a couple of weeks ago by Governor Cuomo. I believe you will find their comments interesting and in line with the feelings of all law abiding gun owners.

Additionally, the proposals on ammunition control will be costly to everyone including the state and just punish law abiding citizens. We purchase ammunition on the internet in bulk because it is less expensive. I for one, shoot 250 to 500 rounds a week. Some of the real competitive shooters use more than twice that amount. Outside of punishing the hundreds of thousands of gun owners in the state by increasing the cost of their hobby by 10 fold, what is the purpose?

If the legislation being proposed would have been on the books in the past, or is on the books in the future, tragedies like the one in Newtown would not have been avoided.

Please do not rush to pass more bills, with the false reasoning, that they will cure the mental health issues we have and the video violence that's desensitizing our children. They will not.

Thank you for your time

P Paul Pappalardo



## *New York State Sheriffs' Association, Inc.*

27 Elk Street, Albany, New York 12207  
Phone: (518) 434-9091 Fax: (518) 434-9093  
E-mail: [sheriff@nysheriffs.org](mailto:sheriff@nysheriffs.org)

*Peter R. Kehoe, Executive Director*  
*Thomas A. Mitchell, Counsel*

### **OFFICERS**

Donald B. Smith, President  
Putnam County

Patrick M. O'Flynn, 1<sup>st</sup> Vice President  
Monroe County

Christopher J. Moss, 2<sup>nd</sup> Vice President  
Chemung County

Jack S. Stenberg, 3<sup>rd</sup> Vice President  
Seneca County

Christopher Farber, Secretary  
Herkimer County

James Voutour, Treasurer  
Niagara County

Timothy S. Whitcomb, Sgt-at-Arms  
Cattaraugus County

### **EXECUTIVE COMMITTEE**

John M. York, Chairman  
Livingston County

Gary T. Maha  
Genesee County

Kevin E. Walsh  
Onondaga County

Carl E. DuBois  
Orange County

Reuel A. Todd  
Oswego County

Jack Mahar  
Rensselaer County

Nathan "Bud" York  
Warren County

### **TRUSTEES**

Joseph A. Gerace  
Chautauqua County

Michael J. Amato  
Montgomery County

Barry Virts  
Wayne County

### **LEGISLATIVE COMMITTEE**

David Harrison, Jr., Chairman  
Columbia County

David E. Harder, Vice Chairman  
Broome County

Christopher J. Moss  
Chemung County

Ernest Cutting  
Chenango County

Thomas E. Mills  
Delaware County

Adrian H. Anderson  
Dutchess County

Timothy B. Howard  
Erie County

Thomas J. Lorey  
Fulton County

Patrick M. O'Flynn  
Monroe County

Robert M. Macol  
Oneida County

Donald B. Smith  
Putnam County

Vincent F. DeMarco  
Suffolk County

Michael A. Schiff  
Sullivan County

Nathan "Bud" York  
Warren County

Barry Virts  
Wayne County

Farris S. Heimann  
Wyoming County

Ronald G. Spike  
Yates County

January 24, 2013

The Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

Dear Governor Cuomo:

Since enactment of the NY SAFE Act the Sheriffs of New York have been carefully reviewing its numerous provisions. This week, 52 of the 58 Sheriffs met in conference to further consider the law and to formulate the formal position of the Association. That position statement is attached.

There are a number of provisions in the law which our Association finds to be helpful to law enforcement and to our citizens. Those are pointed out in our position statement. There are also a number of provisions which cause us concern, and which we think should be revisited. Those we also point out in the position statement.

We commend you for your willingness to take on this difficult and complex problem. Because it is so complex it does not admit of an obvious or simple solution. Many of the provisions of NY SAFE Act contribute toward a solution. We hope that you will recognize that our comments and suggestions are offered, also, as a contribution toward a solution to the problem.

We pledge to continue to work with you and the Legislature as revisions and additions to the NY SAFE Act are considered

Very truly yours,

Donald B. Smith  
President  
Legislative Committee Chairman

*Your Sheriff. The People's Choice for Public Safety*



- **Restriction on FOIL requests about pistol permit holders.** By granting citizens the option of having their names and addresses withheld from public disclosure, the new law does provide a mechanism to allow people to decide for themselves whether their personal information should be accessible to the public. We believe, however, that no one should have to explain why their personal information should remain confidential. A better procedure, we believe, is simply to exempt all this personal information from FOIL disclosure.

- **Requirement of NICS checks for private sales** (except between immediate family). We believe that this will ensure that responsible citizens will still be able to obtain legal firearms through private transactions, with the added assurance that private buyers are approved by the federal National Instant Criminal Background Check System. We remain concerned that this provision will be very difficult to enforce and will likely only affect law abiding citizens

- **Assault weapon ban and definition of assault weapons.** We believe that the new definition of assault weapons is too broad, and prevents the possession of many weapons that are legitimately used for hunting, target shooting and self defense. Classifying firearms as assault weapons because of one arbitrary feature effectively deprives people the right to possess firearms which have never before been designated as assault weapons. We are convinced that only law abiding gun owners will be affected by these new provisions, while criminals will still have and use whatever weapons they want

- **Reduction of ammunition magazine capacity.** The new law enacts reductions in the maximum capacity of gun magazines. We believe based on our years of law enforcement experience that this will not reduce gun violence. The new law will unfairly limit the ability of law-abiding citizens to purchase firearms in New York. It bears repeating that it is our belief that the reduction of magazine capacity will not make New Yorkers or our communities safer.

- **Method of bill passage.** It is the view of the Sheriffs' Association that anytime government decides it is necessary or desirable to test the boundaries of a constitutional right that it should only be done with caution and with great respect for those constitutional boundaries. Further, it should only be done if the benefit to be gained is so great and certain that it far outweighs the damage done by the constriction of individual liberty. While many of the provisions of the new law have surface appeal, it is far from certain that all, or even many, of them will have any significant effect in reducing gun violence, which is the presumed goal of all of us. Unfortunately the process used in adoption of this act did not permit the mature development of the arguments on either side of the debate, and thus many of the stakeholders in this important issue are left feeling ignored by their government. Even those thrilled with the passage of this legislation should be concerned about the process used to secure its passage, for the next time they may find themselves the victim of that same process. Fortunately, the Governor has shown himself open to working with interested parties to address some of the problems that arose due to the hasty enactment of this law. We will work with the Governor and the Legislature on these issues.