



## Myths and Facts about the NY SAFE Act

- About the NY SAFE Act:** The NY SAFE Act is designed to make New York a safer place to live by reducing gun violence through common sense and reasonable reforms. The law respects the right to bear arms and the interest of hunters, sportsmen, and legal owners who use their guns appropriately. The law protects New Yorkers by:
- Keeping guns out of the hands of convicted felons and potentially dangerous mental health patients.
  - Banning high capacity magazines and assault weapons.
  - Ensuring all gun purchases are subject to a background check.
  - Toughening criminal penalties on those who use illegal guns.

- Myth: The NY SAFE Act would violate the Second Amendment by taking guns away from law abiding gun owners.**

**Fact:** The NY SAFE Act does not prohibit law-abiding gun owners from possessing a firearm, including for self- defense in the home, hunting, and target shooting. People who currently have assault weapons do not have to give them up. The law requires that these weapons be registered with the State Police. Assault weapon owners have until April 15, 2014 to register assault weapons.

- The NY SAFE Act is completely consistent with the Second Amendment. The Supreme Court upheld the right for governments to enact reasonable gun restrictions. Since the Supreme Court decision, gun laws have been struck down in only a handful of cases nationwide.

- Myth: There is no such thing as an assault weapon. Hunting rifles would be banned by the NY SAFE Act.**

**Fact:** Most guns that are used for hunting are not assault weapons and are not affected by this law. Typical shotguns and hunting rifles are exempt as the law specifies military style assault weapons by design characteristics. For example, any pump, lever, or bolt action shotgun or rifle cannot be an assault weapon.

- Under the SAFE Act, current owners of assault weapons can permanently modify their weapons by removing design characteristics of an assault weapon. For example, removing the bayonet lug by cutting or grinding, grinding off the threads on the barrel, removing the foregrip so that it cannot be readily reattached, or any change that cannot be reversed through reasonable means.

❑ **Myth: More gun laws aren't going to be effective.**

**Fact:** Smart gun laws work. There is ample evidence that fixing the background check system would reduce gun murders and save lives.

- A recent study from the Violence Policy Center found that states with strong gun laws similar to New York have lower gun death rates. Meanwhile, states with weak gun laws have much higher gun death rates.
- The background check system has kept nearly 2 million criminals and other dangerous people from buying guns at licensed dealers. But criminals can easily exploit the private sale loophole and get their hands on guns.

❑ **Myth: Assault weapons aren't usually used in violent crime. Therefore, there is no need to ban them.**

**Fact:** Assault weapons and high-capacity magazines are a common thread in mass shootings, including in Newtown, Oak Creek, Aurora and Tucson. And high capacity magazines are especially dangerous: they are used in 14 to 26 percent of gun crimes and in 31 to 41 percent of fatal police shootings. Recent mass shootings involving assault weapons and/or high-capacity magazines resulted in 54% more people killed than in other mass shootings and 123% more people injured or killed.

❑ **Myth: There was not sufficient deliberation of the SAFE Act.**

**Fact:** These bills have been pending in the Assembly and Senate for years. These are not new ideas.

- **Assault Weapons and High Capacity Magazines:** Several assault weapon bills have passed (or have been proposed) over the years. In 2012, there were 2 bills in the Assembly proposing expansion of the assault weapons ban: A6108 (Titone) and A1479 (Rosenthal). A5866-A (Jeffries) proposed a ban on high capacity magazines.
- **Revocation of Firearms Licenses for Prohibited Purchasers:** A3081 (Lupardo) proposed court revocation of firearms licenses due to mental incapacity. Mandatory revocation/seizure in DV cases A6406-A Weinstein (2012) - the Assembly also passed A2494-A (O'Donnell) for a number of years, which requires that a judge inquire as to the possession of a firearm by a defendant or respondent when issuing an order of protection.
- **Handgun Permit Recertification:** Recertification of pistol permits A3295 (Paulin) 2013
- **Background Checks for Private Sales:** A362 (Paulin) 2012 requires sale or transfer of certain firearms between unlicensed persons shall be conducted through a licensed firearms dealer.

❑ **Myth: The SAFE Act increases financial burden to taxpayers and businesses**

**Fact:** There is no cost involved in registering assault weapons. In fact, the registration process is much simpler than the process for obtaining a handgun license.