



The State University
of New York

The New York Secure Ammunition and Firearms Enforcement (SAFE) Act

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SAFE Act Basics

- Response to the Sandy Hook Elementary School shooting in Newton, Connecticut
- Co-sponsored by State Senators Klein and Smith
- Vote Count:

Senate: 43-18

Assembly: 104-43



SAFE Act Basics



The purpose of the bill is “to keep guns out of the hands of convicted felons and potentially dangerous mental health patients, and ban high capacity magazines and assault weapons.”

- Governor Cuomo

- Signed into law on January 15, 2013
- Effective date of March 15, 2013

Key Provisions

- Tougher assault weapons ban
- Stronger regulations on ammunition
- Statewide recertification of handguns and assault weapons
- Universal background checks
- Webster Provision
- Extending and strengthening Kendra's Law
- Protecting Families
- Safe Storage
- Keeps guns out of schools
- Tougher penalties for illegal gun use

Mandatory Mental Health Report

Mandated Reporter
reasonably believes
patient is likely to
engage in conduct
that would seriously
harm self or others

Report to
Director of
Community
Services
(DCS)

DCS report to
Division of
Criminal
Justice
Services
(DCJS) if they
agree

DCJS checks
database for
gun permit or
application

****To find your county DCS go to***

[http://www.clmhd.org/contact local mental hygiene departments/](http://www.clmhd.org/contact_local_mental_hygiene_departments/)

Section 9.46

Reports of Substantial Risk or Threat of Harm by Mental Health Professionals:

- (A) For purposes of this section, the term "**MENTAL HEALTH PROFESSIONAL**" shall include a physician, psychologist, registered nurse or licensed clinical social worker.
- (B) Notwithstanding any other law to the contrary, when a mental health professional currently providing treatment services to a person determines, in the exercise of REASONABLE PROFESSIONAL JUDGMENT, that such person is **LIKELY TO ENGAGE IN CONDUCT** that would result in **SERIOUS HARM TO SELF OR OTHERS**, he or she shall be required to report, **AS SOON AS PRACTICABLE**, to the Director of Community Services, or the Director's Designee, who shall report to the Division of Criminal Justice Services whenever he or she agrees that the person is likely to engage in such conduct. Information transmitted to the Division of Criminal Justice Services shall be limited to names and other non-clinical identifying information, which may only be used for determining whether a license issued pursuant to Section 400.00 of the penal law should be suspended or revoked, or for determining whether a person is ineligible for a license issued pursuant to Section 400.00 of the Penal Law, or is no longer permitted under State or Federal Law to possess a firearm.
- (C) Nothing in this section shall be construed to require a Mental Health Professional to take any action which, in the exercise of reasonable professional judgment, would endanger such mental health professional or increase the danger to a potential victim or victims.
- (D) The decision of a Mental Health Professional to disclose or not to disclose in accordance with this section, when made reasonably and in good faith, shall not be the basis for any civil or criminal liability of such Mental Health Professional.



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Commissioner for University Police



Key Provisions

- Assault rifle ban/registration
- Mental health referrals
- High capacity magazines
- Recertification of permits
- Background checks for private sale and ammo
- Increased criminal provisions
- Automation of permit system
- Regist of ammo dealers

Purpose

- Reduce availability of assault weapons
- Deterring use of firearms for criminal acts
- Single standards for firearms licenses
- Close loophole of no background check for private sale at gun shows/between individual
- Seizure of guns for those convicted of certain crimes and deemed a danger to themselves or others

Assault Weapons

- Bans the sale of such weapons; defines the weapon in Article 265.00 of the Penal Law (one feature test)
- Must register with New York State Police between April 15, 2014 – April 15, 2015
- Those in possession may not transfer to anyone other than licensed gun dealer

Restrictions on Magazines

- No more than 10 rounds in large capacity feeding device (1/15/14)
- No more than 7 rounds in 10-14 capacity (4/15/13)
- After April 15, 2013, only 7 round devices to be sold

- Permits must be renewed every 5 years starting January 2018
- Already in place in Nassau and Suffolk Counties
- *See Article 400 of the Penal Law*

Greater Penalties

- Increased penalties for possessing loaded and unloaded weapons
- Killing police officers and wide range of first responders
- Causes physical injury to a child
- Unlawfully possesses a firearm on school grounds
- Gang related activity

NICS Background Checks

- Sale of weapons by dealer
- Sale of ammunition by dealer
- Private sale (dealer conducts)

Storage of Weapons

- Requires lockbox or lock mechanism for all weapons if the owner is living with someone who has been convicted of a felony.
Involuntarily committed, under an order of protection

Issues

- Mental health/order of protection provisions
- Law enforcement exemptions
- Automation of pistol permit registrations
- Retired police officers exemptions

References

- Memorandum in Support, Bill Number S2230, Sponsor Klein
- New York State Sheriffs' Association Response to NY SAFE Act, unpublished
- Personal communication, New York State Association of Chiefs of Police
- *Your NYSAFE Questions Answered.* Retrieved from www.troopers.ny.gov

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