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OFFICE OF THE
DEMOCRATIC MINORITY



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NASSAU COUNTY LEGISLATURE
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Inter-Departmental Memo

To: Michael C Pulitzer, Clerk of the Legislature

From: Peter J. Clines, Esq., Minority Counsel *PJC*

CC: Hon. Richard Nicoletto, Presiding Officer

Hon. Kevan Abrahams, Minority Leader

Date: June 8, 2022

Re: A LOCAL LAW TO AMEND CHAPTER VIII OF CHAPTER 272 OF THE LAWS OF THE NASSAU COUNTY ADMINISTRATIVE CODE, IN RELATION TO REQUIRING THE SAFE STORAGE OF FIREARMS.

Attached please find the above referenced local law which has been approved as to form per the Rules of the Legislature. Kindly distribute a copy to Presiding Officer Richard Nicoletto along with our request that this item be placed on the next available legislative agenda.

Kindly provide a time stamped hard copy acknowledgement of your receipt.

Thank you.

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NASSAU COUNTY
CLERK OF THE LEGISLATURE
2022 JUN - 8 A 10:49

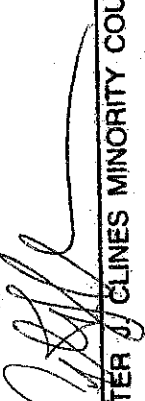
Introduced by: Legislator Carrié Solages

Co-sponsored by: Minority Leader Kevan Abrahams, Legislator Arnold Drucker, Legislator Debra Mulé, Legislator Delia DeRiggi-Whitton, Legislator Joshua Lafazan, and Legislator Siela Bynoe

PROPOSED LOCAL LAW -2022

A LOCAL LAW TO REQUIRE SAFE STORAGE OF FIREARMS

APPROVED AS TO FORM


PETER J. CLINES
MINORITY COUNSEL

2022 JUN - 8 A 10:49

RECEIVED
NASSAU COUNTY
CLERK OF THE LEGISLATURE

BE IT ENACTED by the Legislature of the County of Nassau as follows:

Section 1. Chapter VIII of chapter 272 of the Laws of 1939 constituting the Nassau County Administrative Code, is hereby amended to add a new Title R, as follows:

TITLE R

SECURE STORAGE OF FIREARMS AND AMMUNITION

§ 8-134.1 Legislative Intent.

This local law shall be known as the “Nassau County Gun Storage Safety Law.”
The Legislature hereby finds that injuries and fatalities attributable to unsecured or improperly stored firearms are a serious threat to public health and that public policy in New York strongly favors mandatory safe storage requirements for firearms. Although current state laws direct gun owners to safely store and secure firearms to restrict minors and unauthorized users from accessing these lethal weapons, Sections 265.45 and 265.50 of the Penal Law and Section 139-d of the General Municipal Law allow for additional local regulations. Moreover, the State General Business Law Section 396-ee expressly permits local legislation relating to the posting of notice regarding the safe storage of firearms.

In view of the foregoing, this Legislature further finds and determines that additional local legislation regulation regarding safe storage of firearms and the posting of notice of such local regulation, is necessary and proper to enhance safety and reduce the incidence of violent crime in Nassau County while respecting the rights of gun owners.

In particular, the Legislature recognizes that the likelihood of death or injury from unintentional shootings, suicide, or impulsive acts of domestic violence and self-inflicted harm are significantly increased in households where firearms are unsecured, unlocked and easily accessible. The Legislature also recognizes that retailers should secure firearms and ammunition for sale when the store closes for the day, to further prevent unauthorized and illegal access to firearms and reducing the likelihood of death or injury.

Accordingly, this Legislature determines that appropriate regulation of the storage and possession of firearms and ammunition, both by gun owners and retailers, is essential to safeguard the health and safety of the citizens of the County.

§ 8-134.2. Definitions.

Whenever used in this Title, the following words shall have the meanings given to them by this section:

- A. “Ammunition” shall mean any projectile commonly known as a bullet or shell.
- B. “Firearm” shall mean any weapon from which a shot is discharged by force of an explosive, or a weapon which acts by force of gunpowder, and shall include any weapon capable of being loaded with powder, ball or ammunition, including but not limited to all weapons subject to safe storage requirements under New York Penal Law Sections 265.45 and 265.50.
- C. “Person” shall mean any natural person, firm, partnership, association, corporation, company or organization of any kind.
- D. “Physical injury” means impairment of physical condition or substantial pain.
- E. “Safety locking device” shall mean a design adaptation or attachable accessory that will prevent the use of the firearm by an unauthorized user, and includes, but is not limited to, a trigger lock, which prevents the pulling of the trigger without the use of a key, or a combination handle, which prevents the use of the weapon without the alignment of the combination tumblers.
- F. “Safe storage depository” shall mean a safe or other secure container which, when locked, is incapable of being opened without the key, combination or other unlocking mechanism and is capable of preventing an unauthorized person from obtaining access to and possession of the firearm contained therein.

G. “Serious physical injury” means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

§ 8-134.3. Safe Storage of Firearms and Ammunition.

A. **Storage of Firearms and Ammunition for Sale.** Firearms and ammunition for retail sale shall be kept secure at all times when the location in which they are held for sale is not open for business.

B. **Safe Storage Depositories or Safety Locking Devices Required.**

1. No person who owns, controls or is custodian of a firearm shall store or otherwise leave such firearm out of his or her immediate possession or control without having first either:
 - a. securely locked such firearm in an appropriate safe storage depository; or
 - b. rendered such firearm incapable of being fired by use of a safety locking device appropriate to that firearm.

2. This subsection shall not apply to firearms for retail sale which are subject to the storage requirements of subsection A of this section.

§ 8-134.4. Sale of Firearms.

A. **Display of Notice.**

Every person engaged in the retail business of selling firearms shall:

1. distribute a copy of this local law to all purchasers of firearms or ammunition;
and
2. post a notice in a conspicuous place where such firearms are displayed or delivered to the purchaser stating, in no smaller than 24-point type and on no smaller than 8.5 x 11 paper stating in bold print the following warning:

WARNING: RESPONSIBLE FIREARM STORAGE IS THE LAW IN NASSAU COUNTY. WHEN NOT IN USE, FIREARMS MUST BE STORED IN A SECURE CONTAINER SUCH AS A SAFE OR BE RENDERED INCAPABLE OF BEING FIRED BY USE OF A GUN LOCKING DEVICE. FAILURE TO DO SO MAY SUBJECT YOU TO IMPRISONMENT, FINE, CIVIL LIABILITY OR ALL OF THE FOREGOING. OWNERS OF FIREARMS SHOULD FAMILIARIZE THEMSELVES WITH THE NASSAU COUNTY GUN STORAGE SAFETY LAW.

B. Local Law to be Distributed to Pistol License Applicants.

The Nassau County Police Department shall distribute a copy of this local law to every applicant for a pistol license.

§ 8-134.5. Report of Theft or Loss to Police Department.

Any theft or loss of ammunition or firearms, whether from a storage vault, safe storage depository or other location, shall be reported immediately upon discovery to the Nassau County Police Department. The Nassau County Police Department shall maintain a record of all such reported thefts, including the identity of the owner of the firearm or ammunition, the caliber, make, model, manufacturer's name and serial number of the firearm, the type of ammunition, the place where the theft or loss occurred, the manner in which such firearm or ammunition had been stored, and the time and date when the loss or theft was discovered.

§ 8-134.6. Penalties for Offenses.

A. Violations of Section 8-134.3.

Any person who shall violate or shall neglect or refuse to comply with Section 8-134.3 this title:

1. upon conviction of a first offense which does not result in physical injury, serious physical injury or death, shall be guilty of a violation punishable by a fine not exceeding \$250 or by imprisonment not exceeding 15 days; and
2. upon conviction of a second offense or of a first offense which results in physical injury, serious physical injury or death, shall be guilty of a misdemeanor punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment.

B. Violations of Section 8-134.4 or Section 8-134.5.

Any person who shall violate or shall neglect or refuse to comply with Section 8-134.4 or Section 8-134.5, upon conviction, shall be guilty of a violation punishable by a fine not exceeding \$250 or by imprisonment not exceeding 15 days.

§ 8-134.7. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly

involved in the controversy in which such order or judgment shall be rendered.

Section 2. SEQRA Determination.

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L, section 0101 at seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment, and no further review is required.

Section 3. Effective Date.

This local law shall take effect sixty days after final adoption.

Introduced by: Legislator Carrié Solages

Co-sponsored by: Minority Leader Kevan Abrahams, Legislator Arnold Drucker, Legislator Debra Mulé, Legislator Delia DeRiggi-Whitton, Legislator Joshua Lafazan, and Legislator Siela Bynoe

LOCAL LAW -2022

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In view of the foregoing, this Legislature further finds and determines that additional local legislation regulation regarding safe storage of firearms and the posting of notice of such local regulation, is necessary and proper to enhance safety and reduce the incidence of violent crime in Nassau County while respecting the rights of gun owners.

In particular, the Legislature recognizes that the likelihood of death or injury from unintentional shootings, suicide, or impulsive acts of domestic violence and self-inflicted harm are significantly increased in households where firearms are unsecured, unlocked and easily accessible. The Legislature also recognizes that retailers should secure firearms and ammunition for sale when the store closes for the day, to further prevent unauthorized and illegal access to firearms and reducing the likelihood of death or injury.

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- L. "Safety locking device" shall mean a design adaptation or attachable accessory that will prevent the use of the firearm by an unauthorized user, and includes, but is not limited to, a trigger lock, which prevents the pulling of the trigger without the use of a key, or a combination handle, which prevents the use of the weapon without the alignment of the combination tumblers.
- M. "Safe storage depository" shall mean a safe or other secure container which, when locked, is incapable of being opened without the key, combination or other unlocking mechanism and is capable of preventing an unauthorized person from obtaining access to and possession of the firearm contained therein.

N. "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

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C. **Storage of Firearms and Ammunition for Sale.** Firearms and ammunition for retail sale shall be kept secure at all times when the location in which they are held for sale is not open for business.

D. **Safe Storage Depositories or Safety Locking Devices Required.**

2. No person who owns, controls or is custodian of a firearm shall store or otherwise leave such firearm out of his or her immediate possession or control without having first either:

b. securely locked such firearm in an appropriate safe storage depository; or

b. rendered such firearm incapable of being fired by use of a safety locking device appropriate to that firearm.

2. This subsection shall not apply to firearms for retail sale which are subject to the storage requirements of subsection A of this section.

§ 8-134.4. Sale of Firearms.

C. **Display of Notice.**

Every person engaged in the retail business of selling firearms shall:

3. distribute a copy of this local law to all purchasers of firearms or ammunition; and

4. post a notice in a conspicuous place where such firearms are displayed or delivered to the purchaser stating, in no smaller than 24-point type and on no smaller than 8.5 x 11 paper stating in bold print the following warning:

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Any person who shall violate or shall neglect or refuse to comply with Section 8-134.3 this title:

3. upon conviction of a first offense which does not result in physical injury, serious physical injury or death, shall be guilty of a violation punishable by a fine not exceeding \$250 or by imprisonment not exceeding 15 days; and
4. upon conviction of a second offense or of a first offense which results in physical injury, serious physical injury or death, shall be guilty of a misdemeanor punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment.

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involved in the controversy in which such order or judgment shall be rendered.

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Section 3. Effective Date.

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