

# S.C.O.P.E Legal Update

## March, 2021

### **New Yorkers Against Gun Violence's 2021 State Legislative Agenda**

New Yorkers Against Gun Violence is collecting signatures in support of their legislative agenda.

Guns bills they want this session include:

- A-613/S-14, Enacts the “Jose Webster Untraceable Firearms Act.”
- A-2666/S-13, Enacts the “Scott J. Beigel Unfinished Receiver Act.”
- S-1048, Relates to the dangers to the safety and health of the public caused by the sale, manufacturing, importing and marketing of firearms and whether such activity constitutes a public nuisance. An attempt to get around the Protection of Lawful Commerce in Arms Act.
- S-1049, Establishes the “Community Violence Intervention and Prevention Act.” It hands out money to politico’s cronies back home.
- S-4116, Requires semiautomatic pistols manufactured or delivered to any licensed dealer in this state to be capable of microstamping ammunition.

<http://www.gunpoliticsny.com/?p=23392>

### **Biden Attorney General pick Merrick Garland says there's room for new gun control**

President Biden's nominee for attorney general Merrick Garland ... said there's legal room for new federal gun control and he wouldn't rule out policies that ban certain types of guns. Garland, a federal appeals court judge, told senators at his confirmation hearing that Biden supports new limits and that his job would be to pursue them.

<https://nypost.com/2021/02/22/biden-ag-pick-garland-says-theres-room-for-gun-control/>

### **Joe Biden puts ban on assault weapons at top of agenda**

President Biden called on Congress to join him in strengthening America's gun laws.

<https://www.thetimes.co.uk/article/joe-biden-puts-ban-on-assault-weapons-at-top-of-agenda-r9mhz7rjf>

## **Democrats' public gun registry bill blasted as 'frightening,' 'anti-police'**

A Democratic-sponsored proposal to create a public gun registry poses some dangerous potential risks, including to Second Amendment rights, law enforcement officers are warning.

The bill in Congress represents a "gross intrusion on your rights and your protections," Kevin Hassett, president of the Retired Police Association of the State of New York, told Fox News.

Specifically, a public gun registry would present significant risks for retired law enforcement officers ....

A registry would even help criminals find firearms, by requiring law-abiding citizens to register details including how many they have, where they are stored and how they are stored....

<https://www.foxnews.com/politics/democrat-gun-registry-police-concerns>

## **Brooklyn Rep Proposes New Gun Safety Bills Ahead Of Parkland Anniversary**

US Rep. Carolyn Maloney on Wednesday introduced a legislative package to improve gun safety standards to mark Sunday's (Feb 14) third anniversary of the shooting at Parkland, Florida's Marjorie Stoneham Douglas High School.

The package, which US Sen. Ed Markey (D-MA) sponsored in the upper chamber, contains five bills. The Gun Trafficking Prevention Act would make unpermitted buying or selling of firearms a felony rather than a misdemeanor charge. The Handgun Trigger Safety Act would promote the use of smart gun technology so that only authorized owners can fire it. The Firearms Risk Protection Act would require gun owners to purchase insurance as car owners do.

The other bills in the package would close the gun show loophole and require the FBI to keep track of all background check information for up to 90 days after approval.

<https://www.brooklynpaper.com/maloney-proposes-new-gun-safety-bills-parkland-anniversary/>

## **Analysis: Sheriff politics, the SAFE way**

Eight years after New York passed the tough gun control law that restricts criminals and the mentally ill from buying guns while banning some assault weapons, the controversy continues.

Despite the signs, the SAFE Act remains the law in New York with no prospects of repeal. But that doesn't mean voters won't hear about it during the 2021 campaign for Erie County sheriff....

Some candidates don't care to talk about the SAFE Act, but it most certainly will loom as a key part of the 2021 campaign for sheriff - even without a prayer of repeal in all-Democratic Albany.

[https://buffalonews.com/opinion/columnists/analysis-sheriff-politics-the-safe-way/article\\_45cf9986-6c8f-11eb-8058-e7402506b699.html](https://buffalonews.com/opinion/columnists/analysis-sheriff-politics-the-safe-way/article_45cf9986-6c8f-11eb-8058-e7402506b699.html)

### **NRA Victory in Washington Court of Appeals**

The National Rifle Association's Institute for Legislative Action applauds a decision by the Washington Court of Appeals today that upheld the state's preemption law and struck down a pair of local ordinances that restricted the right of law-abiding gun owners.

"Today's ruling is an important victory for the people of Washington," said Lars Dalseide, NRA Washington state spokesman. "Hopefully jurisdictions like Edmonds will realize that violating the Washington State Constitution is neither legal nor in the best interest of personal protection."

The case, *Bass v. City of Edmonds*, centered on two regulations requiring firearms to be locked at all times within the home and imposed liabilities on gun owners if a prohibited person ever accessed their guns.

[https://www.nraila.org/articles/20210222/nra-victory-in-washington-court-of-appeals?fbclid=IwAR335e4LdB7yQvk\\_Owj3IXuF3re5JUxepx6EFgSOBSz1hdQsxp9IhQek1hc](https://www.nraila.org/articles/20210222/nra-victory-in-washington-court-of-appeals?fbclid=IwAR335e4LdB7yQvk_Owj3IXuF3re5JUxepx6EFgSOBSz1hdQsxp9IhQek1hc)

### **'Ghost Gun' Bans Are Doomed from the Start**

"It's hard to imagine stopping it, short of banning 3D printers or metal pipes," Slate's Ari Schneider observed recently of the FGC-9, a semiautomatic weapon that's the latest brainstorm of DIY gun enthusiasts. "Most of the gun is 3D-printed, while the rest includes inconspicuous parts available at hardware stores," he noted.

Plans for the FGC-9 are available at the Defcad repository so that anybody can try their hand at creating ghost guns without being limited to the kits that trouble activists lobbying Biden and Virginia legislators.

That's the main idea behind the modern ghost gun/DIY firearms movement. It's not just a hobby, it's a political movement that Cody Wilson, the inventor of the 3D-printed Liberator single-shot pistol from which the FGC-9 descends, described to Reason in 2018 as "a war on power itself." Wilson, who was briefly sidelined by sexual assault charges, sees his efforts as part of a broader push for personal liberty that also includes Bitcoin and payment systems that enable people to work around centralized authority. The Defense Distributed organization he founded manufactures Ghost Gunner CNC machines for finishing 80 percent frames. The larger movement continues through more decentralized outlets.

The ghost gun movement, then, disobeys intrusive laws and actively works to render government restrictions ineffective. Placing tighter restrictions on 80 percent receivers or other precursor parts for firearms is equivalent to the old Soviet regime trying to shut down the samizdat underground press by regulating copiers; it was an inconvenience, but the publishing network worked around the restrictions.

<https://reason.com/2021/02/24/ghost-gun-bans-are-doomed-from-the-start/>

### **Utah governor signs bill into law allowing concealed carry of weapon without a permit**

The law, signed by Gov. Spencer Cox on Friday, goes into effect in May and allows anyone age 21 and older to carry a concealed weapon without a background check by the FBI or a training course, according to Fox 13 Salt Lake City.

"With the passage of this bill, Utah joins 17 other states with some form of permitless concealed carry," Cox said. "This bill protects Second Amendment rights, reduces permitless open carry and includes significant funding for suicide prevention."

<https://www.msn.com/en-us/news/politics/utah-governor-signs-bill-into-law-allowing-concealed-carry-of-weapon-without-a-permit/ar-BB1dEE1Z>

### **Indiana House votes to eliminate license to carry a handgun in state**

House Bill 1369, which passed the House by a 65-31 vote and now heads to the Senate, repeals a law that requires a person to obtain a license to carry a handgun in Indiana

It allows for any person who is lawfully able to carry and possess a firearm to do so without a government-issued permit or license, reports said. The bill specified that certain offenders still could be prohibited from carrying handguns.

Supporters of the bill argue that the permit process punishes law-abiding citizens and residents shouldn't have to pay for a right guaranteed by the Second Amendment.

<https://nypost.com/2021/02/23/indiana-house-votes-to-eliminate-license-to-carry-a-handgun-in-state/>

## **SC lawmakers expected to debate bill to change gun laws**

Lawmakers in the South Carolina House Judiciary Committee are likely to consider allowing some gun owners to open-carry their weapons.

The Open Carry Training Act would allow anyone with a concealed weapons permit to carry a handgun out in the open.

<https://www.wistv.com/2021/02/23/sc-lawmakers-expected-debate-bill-change-gun-laws/>

## **Gallup: Less Than Half Of Americans Want More Gun Control**

It's no surprise that dissatisfaction with our current laws is much higher among Democrats than Republicans. While 69% of Republicans say they're satisfied, just 22% of Democrats say the same thing. As recently as 2012 40% of Democrats responding to Gallup's survey expressed satisfaction with the gun laws on the books, but that number has cratered ever since; reaching a low of just 17% in 2020 before ticking up four points in the most recent survey.

<https://bearingarms.com/camedwards/2021/02/19/gallup-gun-control-n41243>