



### **Setting the Record Straight: New York's Partisan Gun Control Package**

For years, Democrats in Albany have enacted a succession of far-left and incompetent policies that have undermined public safety. However, instead of righting the ship and implementing commonsense policies to keep our streets safe, the state has once again acted to curb the Second Amendment rights of law-abiding citizens. In 2013, it was the gun-grabbing NY SAFE Act. Now, with the passage of S.9458/A.10503, Governor Hochul has signed into law yet another unconstitutional and expansive curb of our constitutional right to keep and bear arms.

While anti-gun activists argue that these policies will reduce gun deaths, the truth is that they will primarily target law-abiding citizens. This legislation fails to address the driving causes of crime in our state. It was also so poorly written that the original bill effectively banned some types of body armor but failed to even ban the type of body armor used by the Buffalo shooter. The law had to be hastily amended after having been passed and signed into law. Below I have responded to many of the false claims being made to correct the record.

**Myth #1:** Enhanced “Red Flag” laws will reduce mass shootings and gun violence.

**FACT:** Federal law already prohibits dangerous and unfit individuals from purchasing or possessing a firearm, including persons with a misdemeanor domestic violence conviction, committed involuntarily to a mental institution, adjudicated as “mentally defective”, or convicted as illegally using a controlled substance.

- Expanded red flag laws that lack due process could easily be abused, opening the door for an individual's constitutional rights to be rolled back unfairly. In addition to these concerns about due process generally, the new law now allows a medical professional who treated the gun owner in the last six months to apply for an order, allowing someone with little-to-no familiarity to initiate the process of confiscating the gun owner's firearms.
- I believe in keeping guns out of the hands of dangerous criminals, as do all law-abiding and responsible gun owners. But I am against violating Americans' constitutional right to due process, which expansive red flag laws surely run the risk of doing.

**FACT:** These “red flag” laws have already been proven not to make communities safer.

- A 2018 Crime Prevention Research Center study found that “red flag laws had no significant effect on murder, suicide, the number of people killed in mass shootings, robbery, aggravated assault, or burglary.”
- The Buffalo shooter never had a protection order applied against him, even though New York has had a “red flag” law since 2019.
- A vast majority of the 15 most dangerous cities in the United States have had “red flag” laws in effect for years, yet have not seen a drop in crime as a result of the legislation.

**Myth #2:** Increased censorship of free speech online and the intrusive monitoring of New Yorkers' social media accounts will reduce violence.

**FACT:** Allowing the government to monitor social media accounts and censor speech arbitrarily is a slippery slope that could lead to government officials silencing or unfairly targeting those with whom they disagree.

- As seen already with social media platforms, censorship to patrol speech can quickly devolve into the silencing or de-platforming of anyone who disagrees with the prevailing viewpoint, as determined by the loudest activists. We have seen this through examples like the censoring of the Hunter Biden laptop story (which turned out to be true) as well as the targeting of the satire site Babylon Bee's Twitter account.
- Blocking certain discussions online, even ones we find offensive, does not mean they will stop altogether. As history has shown, they will only be forced further underground where they are harder to identify. Extremism flourishes in darkness and isolation.
- We all should lookout for troubling behavior online and act appropriately. Calls for violence or other online content indicating an individual may be in crisis are concerning and may warrant action. But no government should be empowered to monitor online speech as a requirement for an individual to exercise their Second Amendment rights, as New York's new law shockingly requires. This is an unprecedented, arbitrary, and unconstitutional threat to free speech and the Second Amendment.

**Myth #3:** An assault weapon ban would reduce mass shootings.

**FACT:** Automatic weapons have been illegal for close to a century, and assault weapons are only available to the military. When the Governor and other Democrats talk about banning "assault" weapons, they are referring to semi-automatic rifles and falsely attributing this name to the firearms solely based on how a gun looks, not its actual performance characteristics. This is why they are never able to define these guns.

- After the sunset of the 1994 so-called assault weapons ban, the Department of Justice found in its report, *Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence (1994-2003)*, that it had a negligible to nonexistent impact on gun crime. According to the FBI, only 3% of gun homicides were committed with any type of rifle. A 2017 study published in the *Journal of American Medicine* came to the same conclusion when examining "assault" weapon bans.

**Myth #4:** New York's new gun control legislation will keep New Yorkers safe.

**FACT:** This legislation is built on the false premise that if you make it harder for law-abiding New Yorkers to access certain firearms, then crime will simply go away. The problem with this approach is that law-abiding New Yorkers are not the ones committing the crimes.

- Additionally, it does almost nothing to address the root cause of gun crime and gun deaths. If the New York state legislature was really focused on reducing crime and saving lives, instead of targeting law-abiding gun owners, they would focus on reducing soaring gang violence, providing more help to domestic violence survivors, and delivering expanded resources to law enforcement officials and mental health providers.

- The Democrat majorities in Albany and Washington have not taken any serious and sustainable steps to address the factors underlying an increase in crime and have instead focused almost exclusively on making firearms harder to legally own for law-abiding New Yorkers. This will do little to impact criminals, who will continue to break the law.

**FACT: In 2019, suicide made up 54% of all gun deaths in New York. However, since 2000, the state has eliminated more than 2,000 certified inpatient psychiatric beds.**

- This injustice has caused shortages of essential services for those who are a threat to themselves or others. Those who need help have been forced either onto the streets or to the Internet rather than receiving the intensive care they may need.
- In Congress, I co-led the bipartisan REACHING Improved Mental Health Outcomes for Patients Act to sustainably address the problem. This bill will improve programs that target and treat adult mental health, suicide prevention, and substance abuse. New York must also make similar investments to keep our communities safe.

**FACT: This legislation does nothing to back our law enforcement officers, invest in our communities, and repeal the failed New York bail reform.**

- These failed far-left policies played a major role in the state's intentional homicide rate soaring to 4.2 per 100,000 people in 2020, up from 2.9 per 100,000 one-year prior.
- On top of this, New York is also the only state in the country that does not have a dangerousness standard. This means that judges are unable to consider a criminal's likeliness to recommit a crime when determining bail. Reversing these policies would give our courts better tools to detain serious, serial offenders before they reoffend. Instead, Governor Hochul has made it harder for law-abiding New Yorkers to legally purchase firearms to keep themselves and their families safe.