

LOCAL LAW “J” FOR 2022

A LOCAL LAW OF THE COUNTY OF ALBANY REQUIRING THAT ALL UNATTENDED WEAPONS IN THE HOME BE LOCKED OR KEPT SECURELY

Introduced: 9/12/22

By Mr. Reidy, Mss. McLean Lane, Cunningham and Mr. Peter::

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ALBANY AS FOLLOWS:

SECTION 1. Title.

This Local Law shall be known as the “Safe Gun Storage Law.”

SECTION 2. Legislative Intent.

Albany County is dedicated to protecting its residents. This Legislature finds that an average of 483 deaths and 76,127 non-fatal injuries per year are from unintentional shootings. Studies have shown that, when a firearm is easily accessible, the risk of unintentional shootings rises dramatically.

This Legislature further finds that the access to [presence of] an unsecured, easily accessible loaded weapon in the home increases the likelihood of death or injury from accidents and impulsive acts. Guns left unattended in the home should be kept locked or stored securely to prevent access by children and others who should not have access to them. Gun owners are responsible for keeping their firearms from falling into the hands of children and other unauthorized individuals.

The purpose of this Local Law is to provide for and promote the health, safety and welfare of the general public by requiring that all unattended weapons be either locked with an appropriate safety lock or otherwise stored in a safe storage depository so as to prevent unauthorized access and use.

SECTION 3. Definitions.

Whenever used in this Local Law, the following terms shall have the following meanings:

a. Weapon shall be defined as any rifle, shotgun, or firearm, [machine gun or assault weapon including a semiautomatic rifle, shotgun, firearm,] as those terms are defined in Section 265.00 of the New York State Penal Law;

b. Serious physical injury and physical injury shall be defined as provided in Section 10.00 of the Penal Law.

c. Safety locking device shall mean an [design adaptation,] attached accessory or device installed, that when activated or installed prevents the discharge or firing of the weapon.

d. 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 weapon contained therein.

e. Person shall include corporation, partnership, business or other entity.

f. Operable shall mean, in relation to a weapon, that the weapon is capable, when loaded with ammunition, of being fired or discharged. A weapon which is appropriately locked with a safety lock or stored within a safe storage depository shall not be considered operable for purposes of this Local Law.

SECTION 4. Safety locks or safe storage depositories required.

No person who owns or is custodian of a weapon shall store or otherwise leave such weapon out of his or her immediate possession or control without having first securely locked such weapon in an appropriate safe storage depository or rendered it incapable of being fired by use of a safety locking device appropriate to that weapon.

SECTION 5. Negligent storage of a weapon in the second degree.

A person is guilty of the negligent storage of a weapon in the second degree when he or she stores or leaves a weapon out of his or her immediate control without having first securely locked such weapon in an appropriate safe storage depository or rendered it incapable of being fired by use of a safety locking device appropriate to that weapon. [an operable weapon in any location where such weapon is accessible to another person who is not its owner or custodian.]

SECTION 6. Negligent storage of a weapon in the first degree.

A person is guilty of the negligent storage of a weapon in the first degree when, he or she stores or leaves a weapon out of his or her immediate possession or control without having first securely locked such weapon in an appropriate safe storage depository or rendered it incapable of being fired by use of a safety locking device

appropriate to that weapon [an operable weapon in any location where such weapon is accessible to another person who is not its owner or custodian] and such weapon is accessed by a person who is not the owner or custodian of the weapon and [such weapon is used to] discharged, causing physical injury, serious physical injury or death to any person.

SECTION 7. Requirements at transfer of a weapon.

No person shall sell, deliver or transfer any weapon to another person unless the transferee is provided at the time of sale, delivery or transfer with a safety locking device that is capable of preventing that particular weapon from firing.

SECTION 8. Penalties.

1. Any violation of sections 4, 5, and/or 7 shall be a violation and shall be punished by [imprisonment of not more than 15 days or by] a fine of not more than \$1,000[, or both].

2. Notwithstanding the foregoing, any person who violates sections 4, 5, and/or 7 and who has previously been found guilty of a violation of either of those provisions shall be guilty of a misdemeanor and shall be punished by imprisonment for not more than 30 days or by a fine of not more than \$1,500, or both.

3. Each violation of section 6 shall constitute a misdemeanor and a person found guilty of such misdemeanor shall be punished by imprisonment for not more than one year or by a fine of not more than \$3,000, or both.

SECTION 9. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjusted 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, or part of this Local Law or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 10. Effective Date

This law shall take effect immediately upon its filing with the Secretary of State.

Referred to Law and Public Safety Committees – 9/12/22