

1 **2013 NYSAC Legislative Conference**  
2 **NYSAC Board of Directors**  
3 **Resolution #2**  
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5 **RESOLUTION CALLING ON GOVERNOR ANDREW M. CUOMO AND THE**  
6 **STATE LEGISLATURE TO AMEND CHAPTER 1 OF THE LAWS OF 2013,**  
7 **THE NY SAFE ACT, TO ADDRESS ISSUES RELATED TO COUNTY COSTS**  
8 **AND IMPLEMENTATION OF PROVISIONS RELATED TO MENTAL**  
9 **HEALTH, RECORD KEEPING, AND PUBLIC SAFETY**

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11 **WHEREAS**, Chapter 1 of the laws of 2013, known as the New York Secure  
12 Ammunition and Firearms Enforcement (NY SAFE) Act; and  
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14 **WHEREAS**, the lawful ownership of firearms is, and has been, a valued  
15 tradition in the United States, and the rights protected by the Second Amendment to the  
16 United States Constitution are exercised by many of our residents; and  
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18 **WHEREAS**, the enactment of the NY SAFE Act (Chapter 1 of the Laws of 2013)  
19 has engendered significant controversy over both the process by which it was enacted  
20 and certain provisions contained within it; and  
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22 **WHEREAS**, the expedited process in crafting the NY SAFE Act resulted in  
23 complex policy changes, many of which have been left up to interpretation; and  
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25 **WHEREAS**, this legislation has 60 sections, of which only three take effect  
26 immediately; and  
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28 **WHEREAS**, this new law requires the local director of community services  
29 (county Commissioner of Mental Health) or his or her designee to receive reports from  
30 all mental health professionals who believe that their patient is likely to engage in  
31 conduct that would result in serious harm to self or others; and  
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33 **WHEREAS**, such local director of community services or designee must  
34 investigate each report to confirm the identity and professional status of such mental  
35 health practitioner, and to determine whether they agree with the practitioner's  
36 assessment; and  
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38 **WHEREAS**, upon such agreement with a reporting mental health practitioner,  
39 the DCS or designee shall be required to file a report with the Division of Criminal  
40 Justice Services; and  
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42 **WHEREAS**, NYS Department of Health SPARCS hospitalization data indicate  
43 that over 210,000 psychiatric unit discharges occurred in the 2010 calendar year, which  
44 may now be reported to Directors of Community Services under the Mental Hygiene  
45 Law 9.46 standard; and

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2           **WHEREAS**, the reporting of all or even a portion of such psychiatric admissions  
3 to DCSs annually would require county governments to increase staff and would  
4 significantly increase local costs; not including the numerous other cases that will be  
5 reported by mental health practitioners in non-hospital settings; and  
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7           **WHEREAS**, the requirement that county Directors of Community Services and  
8 their designees receive, investigate, and file reports pursuant to the new Mental Hygiene  
9 Law 9.46 would create an unfunded mandate and new costs for counties who do not  
10 have the infrastructure or funds to implement; and  
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12           **WHEREAS**, this provision of the bill will be effective on March 16, 2013; and  
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15           **WHEREAS**, according to the New York State Association of County Clerks, NY  
16 SAFE also creates new requirements regarding pistol permit recertification which has  
17 been assigned to the State Police but will involve increased processing requirements for  
18 County Clerks offices where local applications are currently processed; and  
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20           **WHEREAS**, according to the New York State Sheriffs Association, NY SAFE will  
21 also increase requirements for Sheriffs who process and investigate permit applications;  
22 and  
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24           **WHEREAS**, NY SAFE expressly states that no costs of this law shall be borne by  
25 local governments, however many county departments will experience increased  
26 workload due to the new requirements the law creates.  
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28           **NOW, THEREFORE BE IT RESOLVED** that the New York State Association  
29 of Counties strongly encourages members of the New York State Legislature to hold  
30 public hearings to address the impact of this new law and the issue of gun violence in a  
31 way that will produce meaningful results; and  
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33           **BE IT FURTHER RESOLVED** that NYSAC calls on the Legislature and  
34 Governor Andrew M. Cuomo to work with counties to amend Chapter 1 of the laws of  
35 2013 in order to address the reporting process under the new Section 9.46 of Mental  
36 Hygiene Law and the permit recertification process under newly amended section 10B  
37 the of Penal Law.  
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39           **BE IT FURTHER RESOLVED** that copies of this resolutions shall be sent to  
40 Governor Cuomo, members of the State Legislature and all others deemed necessary  
41 and proper.  
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