

**LOCAL LAW NO. 9 OF 2024
COUNTY OF ROCKLAND
STATE OF NEW YORK**

(Introduced by: Hon. Beth J. Davidson)

(Co-Sponsors: Hon. Jay Hood, Jr., Hon. Aney Paul, Hon. Paul C. Cleary,
Hon. Toney L. Earl, Hon. Jesse M. Malowitz, Hon. Philip Soskin,
Hon. Dana G. Stilley, Hon. Alden H. Wolfe, Hon. Douglas J. Jobson)

DAVIDSON/STILLEY: UNAN.

A local law to provide individuals seeking to purchase a firearm or weapon a warning of the dangers of ownership, including the increased risk of suicide, death during domestic disputes, and unintentional death to children, household members, and others and of the availability of the 988 National Suicide Prevention Lifeline.

Be it enacted by the legislature of the county of Rockland as follows:

Section 1. Name of local law and codification

This local law shall be known as “Firearms Warnings Law.”

Chapter 388A of the Laws of Rockland County is hereby renamed from “*Weapons, Imitation and Replica*” to “*Weapons*”. The local law currently codified in sections 388A-1 to 388A-9 of this Chapter are hereby designated as Article I, *Imitation and Replica Weapons*. This local law will be codified in the Laws of Rockland County as Chapter 388A, *Weapons*, Article II, *Firearms Warnings Law*.

Section 2. Enactment of the Firearms Warning Law

This local law, codified in the manner set forth above and in this section, reads as follows:

Article II Firearms Warnings Law.

§ 388A-15 Legislative intent

No one can argue that in recent years the United States has seen proliferation of guns. In 2018, a Swiss-based leading research project found that for everyone 100 residents in the US, there were 120.5 firearms, up from 88 firearms only seven years prior. The same project estimated that there were 390 million guns in circulation in 2018. A study by the Annals of Internal Medicine found that seven and a half million adults in the United States, roughly 3t of the population, became first new gun owners between January 2019 and April 2021, exposing eleven million people to firearms in their homes, including five million children.

Using data also from the Annals of Internal Medicine, researchers at the University of California at San Francisco found that when firearms were accessible, men were nearly four times more likely to commit suicide than when firearms were not accessible, and women were almost three times more likely to be victims of homicide. In 2020 the Center for Disease Control released data showing that 24,292 suicides occurred through the use of guns, equating to approximately 54% of all gun related deaths, and that nearly two in ten firearm related injuries were unintentional.

The NYS legislature has passed legislation modeled on that enacted in the County of Westchester and introduced and passed by the Albany County legislature intended to promote the health, safety, and welfare of the general public by specifically informing buyers and potential buyers of weapons or firearms of the dangers of owning a weapon or firearm providing those who may need it the 988 number to easily speak with someone at the National Suicide Prevention Lifeline. However, it is unclear when/if the legislation will be signed by the Governor and the Rockland County Legislature wishes to have this in force as soon as possible.

The purpose of this Chapter to provide for and promote the health, safety and welfare of the general public by specifically informing potential buyers of weapons or firearms in Rockland County of the dangers of owning a firearm in the home. Ownership of a weapon or firearm in the home can lead to accidental discharge, preventable suicide, unintended death of a child or other household members or death during a domestic dispute. Requiring weapon and firearm dealers to post a warning notice delineating the risks of weapons or firearms use will provide important information to the customer who can then make smarter and safer buying choices.

§ 388A-16 Definitions.

As used in this article, the following terms shall have the meanings indicated:

COUNTY

The County of Rockland, New York.

DEALER

Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of including but not limited to: any rifle, shotgun, 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;

FIREARM

As stated in New York State Penal Law Section 265, (a) Any pistol or revolver; or (b) a shotgun having one or more barrels less than eighteen inches in length; or (c) a rifle having one or more barrels less than sixteen inches in length; or (d) any weapon made from a shotgun or rifle whether by alteration, modification, or otherwise if such weapon as altered, modified, or otherwise has an overall length of less than twenty-six inches; or (e) an assault weapon. For the purpose of this subdivision the length of the barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech, or breech lock when closed and when the shotgun or rifle is cocked; the overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore. Firearm does not include an antique firearm;

PURCHASER

A person that takes by purchase. A purchase is any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee of any dealer.

RETAIL BUSINESS

Any business facility that sells goods directly to the end consumer rather than selling them for further distribution or processing.

SITE

The facility where a sale and transfer of weapons or firearms is conducted.

WEAPON

Any rifle, shotgun, firearm, machine gun or assault weapon including a semiautomatic rifle, shotgun, firearm, as those terms are defined in NYS Penal Law § 265.00.

§ 388A-17 Required warnings.

A. It is prohibited for any dealer located in the County of Rockland and engaged in the retail business of selling weapons to sell, deliver, transfer or otherwise dispose of any weapon to another person unless at the time of said transaction a notice is posted at the site where such weapons or firearms are displayed or delivered to the purchaser at the entrance to the site and in at least one additional area where sales occur conspicuously stating, in no smaller than 24-point type and on paper at least 8 and 1/2 inches by 11 inches in bold print the following warning:

WARNING

ACCESS TO A WEAPON OR FIREARM IN THE HOME SIGNIFICANTLY INCREASES THE RISK OF SUICIDE, DEATH DURING DOMESTIC DISPUTES, AND/OR UNINTENTIONAL DEATHS TO CHILDREN, HOUSEHOLD MEMBERS AND OTHERS.

IF YOU OR A LOVED ONE IS EXPERIENCING DISTRESS AND/OR DEPRESSION, CALL THE NATIONAL SUICIDE PREVENTION LIFELINE AT 988.

B. Upon the issuance of a license, the County Clerk shall provide the licensee a written copy of a warning notice conspicuously stating in no smaller than 24- point type and on paper at least 8 and 1/2 inches by 11 inches in bold print the following warning:

WARNING

ACCESS TO A WEAPON OR FIREARM IN THE HOME SIGNIFICANTLY INCREASES THE RISK OF SUICIDE, DEATH DURING DOMESTIC DISPUTES, AND/OR UNINTENTIONAL DEATHS TO CHILDREN, HOUSEHOLD MEMBERS AND OTHERS.

IF YOU OR A LOVED ONE IS EXPERIENCING DISTRESS AND/OR DEPRESSION, CALL THE NATIONAL SUICIDE PREVENTION LIFELINE AT 988

C. The County of Rockland and its agencies, officers or employees shall not be liable to any party by reason of any injury or damage resulting from the failure of any person subject to this Chapter, to comply with this Article, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this Article.

§ 388A-18 Penalties for offenses

- A. For the first violation of this Chapter, the person shall be guilty of a violation punishable by a fine of not more than \$250.00 for each violation.
- B. For the second violation of this Chapter, the person shall be guilty of a violation punishable by a fine of not more than \$500.00 for each violation.
- C. For subsequent violations of this Chapter, the person shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 for each violation.
- D. Each day that a violation continues shall be deemed a separate offense.

§ 388A-19 Enforcement.

This law may be enforced by the County of Rockland Director of Consumer Protection and Public Advocate and/or by the Rockland County Sheriff or any other law enforcement agency having jurisdiction to act in the county of Rockland. The Director and delegated staff of the Office of Consumer Protection and law enforcement officers are permitted to issue appearance tickets in the manner described in NYS Criminal Procedure Law Art. 150 to any person violating the provisions of this Article.

Section 3. Reverse Preemption.

This law shall be null and void on the day that statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the county of Rockland. The county legislature may determine by resolution whether identical or substantially similar statewide legislation or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local 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, effect 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 5. Effective date.

This local law shall take effect immediately upon filing with the New York State Secretary of State.

LG-2024-53
ELY
6/20/24
7/9/24
7/26/24 TH (redline)
7/29/24 ELY
7/31/2024, 8/7/2024/dmg

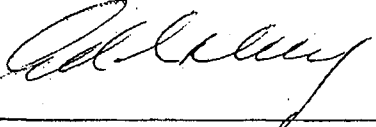
STATE OF NEW YORK)
) ss.:
COUNTY OF ROCKLAND)

I, the undersigned, Clerk to the Legislature of the County of Rockland DO HEREBY CERTIFY that the attached is an original Local Law of such Legislature, duly adopted on the 6th day of August 2024 by a majority of the members elected to the Legislature while such Legislature was in regular session with a duly constituted quorum of members present and voting.

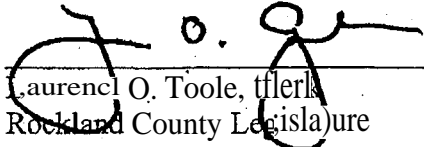
I FURTHER CERTIFY that at the time said Local Law was adopted said Legislature was comprised of seventeen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 7th day of August 2024.

Date sent to the County Executive:
August 7, 2024



Edwin J. Day, County Executive
County of Rockland



Laurenci O. Toole, Clerk
Rockland County Legislature

8/7/24

Date