

**TROY CITY COUNCIL
SPECIAL MEETING AGENDA
May 26, 2022
7:00 P.M.**

Pledge of Allegiance
Roll Call
Presentation of Agenda
Public Forum*

RESOLUTIONS

68. Resolution Urging Congress To Adopt Common Sense Gun Reform Measures (Council Member Steele) (At The Request Of The Administration)

***PUBLIC FORUM**

The City Council will be conducting this meeting **both hybrid and in-person** and the meeting will be live-streamed on the City Council's [YouTube channel](#).

Troy residents who wish to comment through the Hybrid option during the public forum at the beginning of the meeting must have the ability to join the Zoom meeting via computer or phone and will be required to pre-register for the meeting. The link to register for the meeting will be posted at least 24 hours before the meeting on the Council [Agenda and Minutes](#) page. You must register for the meeting by 3 pm on the day of the meeting. Per Council rules, residents have 4 minutes to speak at the Special Meeting public forum. Comments must be regarding agenda items. There is a second public forum where residents have 3 minutes to speak at the end of the meeting for city government issues

Per the City Council, written comments will not be read aloud at this meeting but will be added to the meeting minutes. Written comments to be added to the meeting minutes should be sent to maria.debonis@troyny.gov and must be received by 3 pm on the day of the meeting. You must include your full name and residential address, as required by Council rules. Written comments received after 3 pm shall be treated as correspondence and forwarded to the Council for their review.

**RESOLUTION URGING CONGRESS TO ADOPT COMMON SENSE
GUN REFORM MEASURES**

WHEREAS, on May 24, 2022, an 18-year-old armed with an assault weapon murdered 19 children and two adult teachers during a mass shooting at an elementary school in Uvalde, Texas; and

WHEREAS, on May 14, 2022, a racist attack at a grocery store in a predominantly Black neighborhood in Buffalo, New York, left 10 Black residents dead from injuries caused by another 18-year-old individual armed with an assault rifle; and

WHEREAS, the United States has seen more than 200 mass shootings in 2022, with 27 occurring at schools, a rate of frequency that averages approximately 10 mass shootings a week; and

WHEREAS, a recent report from the Johns Hopkins Center for Gun Violence Solutions which analyzed CDC firearm fatality data for 2020 found that guns were the leading cause of death among children and teens in 2020; and

WHEREAS, there is broad bipartisan support in communities across the United States for common-sense measures that restrict access to weapons of war and reduce the possibility of mass shooting events; and

WHEREAS, the U.S. House of Representatives passed H.R. 8, the Bipartisan Background Checks Act of 2021, on March 11th of last year with overwhelming support, which if enacted would require that nearly every gun sale in the U.S. be subject to a background check, including “private sales” at gun shows and those conducted over the internet; and

WHEREAS, the U.S. Senate has been unable to pass this common-sense gun reform legislation, which reflects an era of deep political division and an unwillingness to address an actual life-or-death issue for countless families across this country; and

WHEREAS, the City of Troy has experienced our own tragedies involving gun violence, some of which resulted in the death of young children caused by illegally obtained guns which are brought from neighboring states to communities across New York, including Troy; and

WHEREAS, background checks for private sales would help reduce the flow of guns into our state and reduce these incidents that have become all too common; and

WHEREAS, residents, neighbors, and elected leaders in Troy need to speak up and advocate for reasonable measures from the federal government that limit access to assault weapons and implement processes that prevent future violent incidents involving guns.

NOW, THEREFORE, BE IT RESOLVED, the City of Troy, New York, in City Council convened:

(1) extends its condolences to the victims of the recent mass shooting events in Uvalde, TX, and Buffalo, NY;

(2) calls on the United States Congress, specifically the U.S. Senate, to approve common-sense gun reform legislation, including H.R. 8, that would implement a federal background check for purchases of firearms, implement waiting periods, and reduce access to guns and other assault weapons;

(3) calls on the Executive and Legislative offices of municipalities across the country to join us in urging the U.S. Congress to swiftly take common sense steps to protect our communities from the senseless carnage that results from unfettered access to guns; and

BE IT FURTHER RESOLVED, that the Clerk of the City transmit copies of this Resolution to the Majority and Minority Leaders of the United States Senate, the Speaker of the House of Representatives, and the Leader of the House of Representatives Republican Caucus.

Approved as to form, _____, 2022

Richard T. Morrissey, Corporation Counsel

MEMO IN SUPPORT

We all watched in horror on Tuesday as yet another mass shooting event unfolded. An 18-year-old murdered 19 children and two adult teachers during a mass shooting in Uvalde, Texas. This individual was armed with an assault weapon, one designed for military use but is now readily accessible to the public.

Another 21 families were torn apart by yet another mass killing in this country. Less than two weeks ago, another 10 families lost loved ones during a racist attack at a grocery store in a predominantly-Black neighborhood in Buffalo, New York.

The poor people in Uvalde, TX, and Buffalo, NY and San Bernadino, CA and the 251 other communities around the country that have experienced mass shootings this year alone do not need our thoughts or prayers. They do not need our silence.

They need our voices, and they need our action: NOW.

We need to ask the existential question: In the Unites States of America, are the lives of our children worth more to us than our assault rifles?

This is a democracy and there is broad bipartisan support for common sense measures that can limit access to these weapons of war and reduce the chances that another horrific incident will happen again.

An overwhelming majority of Americans support universal background checks, bans on sale of assault rifles, and institution of red flag laws.

The U.S. House of Representatives passed H.R. 8, the Bipartisan Background Checks Act of 2021, on March 11th of last year with overwhelming support. If enacted, nearly every gun sale in the U.S. would be subject to a background check; this would include so-called "private sales" at gun shows and those conducted over the internet.

Unfortunately, the U.S. Senate has been unable to pass this common-sense gun reform legislation. It reflects an era of deep political division and an unwillingness to address a literal life-or-death issue for countless families across this country for fear of the powerful gun lobby and a small minority of Americans who hold access to assault weapons above the lives of their neighbors.

Common-sense gun reform legislation is not just about mass shooting events. We have experienced our own tragedies here in Troy involving gun violence, some involving the death of young children killed by gunfire. While these crimes often involve the use of illegally obtained guns, the iron pipeline from neighboring states delivers these weapons to communities across New York, including Troy. Background checks for private sales would help reduce the flow of guns into our state and reduce incidents that have become all too common.

H. R. 8

AN ACT

To require a background check for every firearm sale.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Bipartisan Background Checks Act of 2021”.

SEC. 2. PURPOSE.

The purpose of this Act is to utilize the current background checks process in the United States to ensure individuals prohibited from gun purchase or possession are not able to obtain firearms.

SEC. 3. FIREARMS TRANSFERS.

(a) **IN GENERAL.**—Section 922 of title 18, United States Code, is amended by adding at the end the following:

“(aa) (1) (A) It shall be unlawful for any person who is not a licensed importer, licensed manufacturer, or licensed dealer to transfer a firearm to any other person who is not so licensed, unless a licensed importer, licensed manufacturer, or licensed dealer has first taken possession of the firearm for the purpose of complying with subsection (t).

“(B) Upon taking possession of a firearm under subparagraph (A), a licensee shall comply with all requirements of this chapter as if the licensee were transferring the firearm from the inventory of the licensee to the unlicensed transferee.

“(C) If a transfer of a firearm described in subparagraph (A) will not be completed for any reason after a licensee takes possession of the firearm (including because the transfer of the firearm to, or receipt of the firearm by, the transferee would violate this chapter), the return of the firearm to the transferor by the licensee shall not constitute the transfer of a firearm for purposes of this chapter.

“(2) Paragraph (1) shall not apply to—

“(A) a law enforcement agency or any law enforcement officer, armed private security professional, or member of the armed forces, to the extent the officer, professional, or member is acting within the course and scope of employment and official duties;

“(B) a transfer or exchange (which, for purposes of this subsection, means an in-kind transfer of a firearm of the same type or value) that is a loan or bona fide gift between spouses, between domestic partners, between parents and their children, including step-parents and their step-children, between siblings, between aunts or uncles and their nieces or nephews, or between grandparents and their grandchildren, if the transferor has no reason to believe that the transferee will use or intends to use the firearm in a crime or is prohibited from possessing firearms under State or Federal law;

“(C) a transfer to an executor, administrator, trustee, or personal representative of an estate or a trust that occurs by operation of law upon the death of another person;

“(D) a temporary transfer that is necessary to prevent imminent death or great bodily harm, including harm to self, family, household members, or others, if the possession by the transferee lasts only as long as immediately necessary to prevent the imminent death or great bodily harm, including harm to self, and the harm of domestic violence, dating partner violence, sexual assault, stalking, and domestic abuse;

“(E) a transfer that is approved by the Attorney General under [section 5812](#) of the Internal Revenue Code of 1986; or

“(F) a temporary transfer if the transferor has no reason to believe that the transferee will use or intends to use the firearm in a crime or is prohibited from possessing firearms under State or Federal law, and the transfer takes place and the transferee’s possession of the firearm is exclusively—

“(i) at a shooting range or in a shooting gallery or other area designated for the purpose of target shooting;

“(ii) while reasonably necessary for the purposes of hunting, trapping, pest control on a farm or ranch, or fishing, if the transferor—

“(I) has no reason to believe that the transferee intends to use the firearm in a place where it is illegal; and

“(II) has reason to believe that the transferee will comply with all licensing and permit requirements for such hunting, trapping, pest control on a farm or ranch, or fishing; or

“(iii) while in the presence of the transferor.

“(3) It shall be unlawful for a licensed importer, licensed manufacturer, or licensed dealer to transfer possession of, or title to, a firearm to another person who is not so licensed unless the importer, manufacturer, or dealer has provided such other person with a notice of the prohibition under paragraph (1), and such other person has certified that such other person has been provided with this notice on a form prescribed by the Attorney General.

“(4) The Attorney General shall make available to any person licensed under this chapter both Spanish and English versions of the form required for the conduct of a background check under subsection (t) and this subsection, and the notice and form required under paragraph (3) of this subsection.”.

(b) AMENDMENT TO SECTION 924(a).—Section 924(a)(5) of title 18, United States Code, is amended by striking “(s) or (t)” and inserting “(s), (t), or (aa)”.

(c) RULES OF INTERPRETATION.—Nothing in this Act, or any amendment made by this Act, shall be construed to—

(1) authorize the establishment, directly or indirectly, of a national firearms registry; or

(2) interfere with the authority of a State, under section 927 of title 18, United States Code, to enact a law on the same subject matter as this Act.

(d) EFFECTIVE DATE.—The amendment made by subsections (a) and (b) shall take effect 180 days after the date of enactment of this Act.

Passed the House of Representatives March 11, 2021.

Attest:

Clerk.

117TH CONGRESS
1ST SESSION

H. R. 8

AN ACT

re a background check for every firearm sale.
