

*Monroe County
Clerk of the Legislature*

**David Grant
Clerk**



**Frank Keophetlasy
Deputy Clerk**

**Ian Watkins
2nd Assistant Dep. Clerk**

MEMORANDUM

TO: Legislators, Directors, Staff and Media
FROM: David Grant, Clerk of the Legislature
DATE: April 26, 2023
RE: Matter of Urgency – File No. 23-0136

23-0136 Memorializing the New York State Legislature to Pass and Governor Kathy Hochul to Sign Bill S4464/A3205 – As a Matter of Urgency – County Legislator Tracy DiFlorio

Per President Sabrina LaMar, the attached communication has been declared to be a Matter of Urgency pursuant to Section 545-24(A)(3) of the Rules of the Monroe County Legislature and will be considered at the May 9, 2023 regular meeting of the Monroe County Legislature.

Attachments



Monroe County Legislature

TRACY DIFLORIO

LEGISLATOR - DISTRICT 3

April 26, 2023

Monroe County Legislature
406 Monroe County Office Building
39 West Main Street
Rochester, NY 14614

OFFICIAL FILE COPY	
No.	230136
Not to be removed from the Office of the Legislature of Monroe County	
Committee Assignment	
Memorializing Referral	-L
URGENT	

Re: Memorializing the New York State Legislature to Pass and Governor Kathy Hochul to Sign Bill S4464/A3205

Honorable Legislators:

Senator Pamela Helming has introduced S4464, entitled "An Act to amend the penal law, in relation to authorizing the possession of a firearm, shotgun or rifle in certain sport shooting and target practice facilities." The Second Amendment to the United States Constitution protects the right of citizens to keep and bear arms. Yet, for years, the State of New York has curtailed that right in many ways, including with a list of twenty "sensitive locations" where possession of a firearm, shotgun, or rifle constitutes a violation of Article 265 of the Penal Code.

Currently, subsections O and P criminalize possession of a gun at any place where alcohol is consumed and any performance, entertainment, gaming, or sport location, respectively. S4464/A3205 would amend these subsections to include exceptions that close a loophole that essentially criminalizes possessing a firearm, shotgun, or rifle at a place intended explicitly for the use of such constitutionally protected tools.

As amended, subsection O would decriminalize the possession of firearms, rifles, and shotguns at places that allow consumption of alcohol or marijuana but whose primary purpose is sport shooting and target practice activities. Two things that must be done most responsibly are shooting and consuming alcohol or marijuana. This is not construed to mean that people are allowed to use firearms while consuming alcohol or marijuana, but rather simply allows people to consume alcohol at a place of business where others are using firearms. This makes it so these places of business may allow responsible consumption for some patrons and firearm, shotgun, and/or rifle use by others.

As amended, subsection P would close a loophole that, as currently written, seemingly bans the use of firearms, shotguns, and rifles in essentially all venues, which may be construed as including places people use as entertainment and sport for the purpose of shooting sports. This bill would ensure that people have the right to participate in these activities.

Firearm, shotgun, and rifle possession is a constitutionally protected right. Unfortunately, New York State has long attempted to reduce the rights of citizens to use guns, and the passage and

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signing of S4464/A3205 would help restore some of those rights by closing loopholes that may be abused to deny using said guns by law-abiding citizens. Therefore, I ask you to join me in calling on the New York State Legislature and Governor Kathy Hochul to pass and sign bill S4464/A3205, "An Act to amend the penal law, in relation to authorizing the possession of a firearm, shotgun or rifle in certain sport shooting and target practice facilities," so that a modicum of freedom may be reinstated to the people of our state.

Respectfully Submitted,

A handwritten signature in black ink that reads "Tracy DiFlorio". The signature is written in a cursive, slightly slanted style.

Tracy DiFlorio
Monroe County Legislator
District 3