



Essex County Board of Supervisors

Resolution No. 287

October 2, 2023
Regular Board Meeting

RESOLUTION SUPPORTING LICENSED DEALERS OF FIREARMS, SUBJECT TO NEW YORK GENERAL BUSINESS LAW §875

The following resolution was offered by Supervisor Winemiller, who moved its adoption.

Upon a motion to consider from the floor, and the same appearing proper and necessary.

WHEREAS, at the Ways and Means Committee Meeting on September 25, 2023, a resolution was tabled relative to the support of licensed dealers of firearms, subject to New York General Business Law §875; and

WHEREAS, a motion to take from the table was approved and the resolution as slightly amended is as set forth and proposed; and

WHEREAS, this Resolution reaffirms Resolution 200 (July 5, 2022) of the Essex County Board of Supervisors calling forward any and all advocates who claim to protect freedom and liberty in the United States to immediately challenge the "Concealed Carry Improvements Act" in court as it is unconstitutional infringement upon law abiding citizen's right to bear arms and an overt infringement upon freedom and liberty in New York State; and

WHEREAS, in June and July 2022, the Governor of New York, Kathleen Hochul, did sign into law a 10-bill package that included an entirely new law, housed primarily under NY General Business Law §875 (effective December 5, 2022); and

WHEREAS, NY Gen Bus §875 targets NY-licensed dealers in firearms, which are first required by federal law, to be federally-licensed dealers in firearms (FFL Type 01) and/or pawnbrokers (FFL Type 02), to renew that license every three years, and to comply

with extensive federal laws passed by Congress since 1968 and signed by Presidents of both Republican and Democratic party affiliation, as well as regulations, administrative rulings, and all guidance documents of the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives (“BATFE” or “ATF”) and the Federal Bureau of Investigations (“FBI”); and

WHEREAS, NY Governor Hochul caused the new laws to be passed and signed into law without public notification, or input from stakeholders, including, but not limited to federally-licensed dealers in firearms and attempting to preempt existing federal laws and the U.S. Constitution and its Bill of Rights; and

BE IT RESOLVED, that the Essex County Board of Supervisors vehemently, adamantly and with full resolve opposes this new law targeting licensed dealers in firearms through NY General Business Law §875, which law does have the capacity to not only cause said dealers in firearms to go out of business, but also to be arrested for any non-compliance and to face state misdemeanor A criminal charges, thus risking also that the citizens of this county and throughout this state would be made unable to exercise their fundamental, first-class rights under the Second Amendment of U.S. Constitution “to keep and bear arms,” and, as such, does call for its repeal; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors expresses opposition against Governor Hochul for her disregard of the federal Constitution and Bill of Rights, for the U.S. Supreme Court, and for the Rule of Law; and

BE IT FURTHER RESOLVED, that the Essex County Board of Supervisors expresses opposition against Governor Hochul for her refusal to partner with the Federal Bureau of Investigation (“FBI”) and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“BATFE” or “ATF”) and does call upon Governor Hochul to immediately transfer records of New York state-convicted felons and misdemeanants and other disqualified persons such as illegal aliens as defined at 18 U.S.C. §922(g) to the FBI for inclusion of those disqualifying records into the “National Instant Criminal Background

Check System" ("NICS") in order to aid the FBI, the ATF, and federally-licensed dealers in firearms to prevent the illegal sale of firearms to persons disqualified from their ownership, use, or possession under federal law; and

BE IT FURTHER RESOLVED, It is hereby directed that the Clerk of the County cause a copy of this Resolution to be transmitted to New York Governor Kathleen Hochul, to Acting Superintendent of the NYS Police Stephen Nigrelli, to the Commissioner of the NYS Department of Criminal Justice Services Rosanne Rosado, and to the NYS Attorney General Letticia James; and, also to the NY Association of County Clerks, the NYS Sheriffs Association, and to the Chairpersons of all NYS County Boards.

This resolution was duly seconded by Supervisor DeZalia, and adopted upon a roll-call vote, as follows:

AYES: 2358 votes
NOES: 0 votes
ABSENT: 495 votes (DeLoria, Doty)

STATE OF NEW YORK, COUNTY OF ESSEX)ss:

I, JUDITH A. GARRISON, Clerk of the Essex County Board of Supervisors, do hereby certify that I have compared the foregoing copy with the original resolution filed in this office on the 2nd day of October, 2023, and that it is a correct and true copy thereof.

IN TESTIMONY THEREOF, I have hereunto set my hand and affixed my official seal this 2nd day Octoberr, 2023.



Judith A. Garrison
Judith A. Garrison
Clerk of the Essex County Board of Supervisors

