



**New York State Conservation Council Inc.**  
8 East Main Street, Ilion, New York 13357-1899

## MEMORANDUM IN OPPOSITION

<b>Bill #</b>	<b>A 2406</b> Paulin	Same as <b>S 1414</b> Avella
	<b>A 9068</b> Fahy	Same as <b>S 5808-A</b> Gianaris
	<b>A 11327</b> Paulin	No same as

**Title: Establishes a waiting period before a firearm, shotgun or rifle may be delivered to a person.**

Establishes a waiting period before a firearm, shotgun or rifle may be delivered to a person; requires either that the National Instant Criminal Background Check System (NICS) has issued a "proceed" response to the licensee; or ten business days have elapsed since the licensee contacted NICS to initiate a criminal background check.

### **Justification:**

The existing background check system, National Instant Criminal Background Check System (NICS), provides for a delay of three days if the system is not able to issue an immediate approval or denial. If there is no denial issued within the three-day period, the transfer may be legally completed.

It is the sponsors' contention that that so-called "delayed denials," denials issued after the three-day waiting period, pose such a significant risk that the only alternative is to extend the waiting period or require a "proceed" in all case regardless of the elapsed time. In reality, on a national basis, these delayed denials only result in about 2500 actions for firearms retrieval being initiated annually.

While this is a serious issue, it would appear that the necessity for these actions is a result of bureaucratic and organizational problems with the administration of the NICS, and failures of the states and federal agencies to provide timely and accurate information to the background check system. This was confirmed by a 2016 report of the Office of the Inspector General in the Department of Justice.

Additionally, as all handgun transfers in New York are between licensed individuals, the delayed denial issue is in reality only relevant with respect to rifle and shotgun transfers. These bills would shift the burden for systemic problems with the data submission and administration of the system to dealers and lawful purchasers rather than more appropriately addressing the root causes at the source.

### **Contact:**

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