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

MEMORANDUM IN SUPPORT

Bill # **A 3274** Barclay Same as **S 747** Ritchie

Title: Concurrent resolution of the Senate and Assembly proposing an amendment to article 1 of the constitution, in relation to the right to bear and keep arms.

To amend the New York State Constitution to include the right to keep and bear arms by adding a new section in Article I which details the Bill of Rights.

Justification:

The NYSCC supports this proposal. It represents the fundamental legal foundation for the protection and preservation of the right of firearms ownership as guaranteed by the Second Amendment to the Constitution of the United States.

The right to keep and bear arms, as expressed in the Second Amendment to the United States Constitution, is not included in Article 1 of the New York State Constitution which enumerates the Bill of Rights for New York State. Rather, New York State law enumerates the right to keep and bear arms in statute as part of the Civil Rights Law.

In adding this section to our Constitution, the legislature will ensure the right to keep and bear arms will attain a legal standard, requiring a high level of judicial scrutiny if in any way threatened. Any statute or regulation by the state must serve a compelling governmental interest and be the least restrictive means of achieving that interest.

Forty-four states have provisions in their states' constitutions regarding the right of citizens to keep and bear arms. Many of these provisions are modeled on the Second Amendment to the United States Constitution. It is essential that this right be protected by our state constitution.

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