

BY LEG DE004'18 AM 9:55

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LORIGO, RATH, MILLS, HARDWICK, DIXON**

Opposition to Proposed NYS Legislation Requiring Social Media and Search Engine Reviews Prior to Approval of Applications or Renewal of Pistol or Revolver Permits

WHEREAS, New York Penal Law, Part 3, Title W, Article 400 regulates the licensing and other provisions relation to firearms; and

WHEREAS, NYS Senate Bill S9191 would amend NY law to require handgun permit applicants and those renewing a registration for an assault-style rifle that was owned prior to the SAFE Act's passage in 2013 to consent to have his or her social media accounts and search engine history reviewed by an investigating officer for the previous three years for social media posts and one year of review for internet search history; and

WHEREAS, the investigating officer, in most cases a county judge or the New York State Police, would be provided the log-in name and passwords to social media accounts and internet search history to look for a "good cause" for the denial of a license due to the following: (I) commonly known profane slurs or biased language used to describe the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person; (II) threatening the health or safety of another person; (III) an act of terrorism; or (IV) any other issue deemed necessary by the investigating officer; and

WHEREAS, the term social media accounts is defined in the bill to include only Facebook, Snapchat, Twitter and Instagram, and search engine is limited to Google, Yahoo and Bing; and

WHEREAS, Section IV of the above would give the investigating officer wide discretion to deny a permit for any post, issue, or internet search the officer finds objectionable based on the review; and

WHEREAS, the proposed legislation would require "any log-in name, password or other means for accessing a personal account, service, or electronic communications device necessary to review such licensee's social media accounts and search engine history...", which would allow other personal electronic devices to be scrutinized including cellphones, home or work computers, laptops, iPads and other personal electronics; and

WHEREAS, the proposed legislation raises many question relating to implementation, including, who or what government agency is retaining the private log-in and passwords, and the confidentiality of any results of the review; and

WHEREAS, the bill as proposed raise very serious Constitutional issues including infringement of First, Second, and Fourth Amendment rights by linking the rights of citizens to free speech and protection from unreasonable searches to the right to bear arms.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body goes on record to oppose NYS Senate Bill S9191 which would require social media and search engine reviews prior to approval of an application or renewal of a license to carry or possess a pistol or revolver; and

RESOLVED, that certified copies of this resolution be sent to Governor Cuomo, the Western New York delegation to the NYS Senate and Assembly, State Senator Andrea Stewart-Cousins, State Senator John Flanagan, State Senator Kevin Parker, and any other party deemed necessary and proper.

Fiscal Impact: None for this resolution