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September 27, 2023

Hon. Kathy Hochul
Governor of New York State
Executive Chamber
New York State Capitol
Albany, NY 12224

Subject: Firearm and Ammunition Background Check Processing Issues

Dear Governor Hochul,

We have been made aware of significant issues with the State's new processing of Firearm and Ammunition Background Checks. We write to you today to ask that you pause the Background Check requirement until the issues with the software and processing can be fixed.

In brief:

- Software Standards for Data Security must be incorporated into the system.
- Any individual who has had their fingerprint captured for professional reasons, for example law enforcement officers, are failing the background check. While fingerprints are taken of those who have been arrested, they are also captured for a variety of licensing purposes. These purposes should not disqualify an individual who is buying ammunition legally.
- A dealer must have access to the internet in order to request a background check from New York State. There is no phone option. (In contrast the Federal system has both phone and online.) Many dealers in rural counties, where hunting generally occurs, don't have broadband access and are therefore unable to sell ammunition or firearms.
- Background check results are not returned timely, or even on a predictable timetable. In contrast, the Federal background checks are generally immediate, with results coming back in a manner of minutes. Dealers are reporting results coming back after a couple of hours, overnight, or sometimes several days later. As a result, customers have to be notified when the background check has completed and return to the store to complete the purchase. Hunting is a source of tourism for New York State and rural counties. People coming to the Adirondacks, for example, for a weekend to hunt are not going to have the ability to return a day later or several days later to complete their purchase of ammunition. They will go to Vermont.

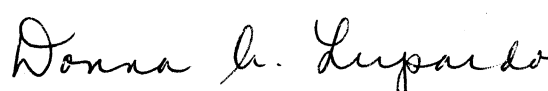

- The lack of timeliness does not just impact hunters visiting the area. Stores in the Southern Tier report that they are losing customers to Pennsylvania where there are no background checks required for ammunition. New York borders several states that do not place barriers to purchasing ammunition, and dealers are losing sales to these alternative locations. This is impacting the viability of these small businesses and without fixes to the process to improve the response time for the checks, these businesses question their ability to remain open.
- Store security is compromised because of the time it takes complete interview with a customer to gather the required personal data to request a background check. (We note that Federal NICS background checks are able to be accomplished with less data collected about the purchaser.) Stores are reporting that it takes 10 to 15 minutes to interview the customer to get all of their data. During that time, the clerk is not able to focus on what else is going on in the store.

We bring these issues to your attention because we think this process needs to be fixed and can be fixed. It is impacting the ability of responsible business owners and responsible gun owners to conduct a commercial transaction in a timely and secure manner. We urge you to pause the state's background check process, reinstate the Federal system temporarily, until such time as these problems are addressed.

Sincerely yours,



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