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ALBANY

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January 12, 2009

Dear Legislative Colleagues:

Today NRA Executive Vice President Wayne LaPierre is joining the National Rifle Association NRA for a Second Amendment Advocacy Day. There is little doubt that the subject of the Microstamping bill will be brought to your attention by the gun rights advocates.

It is unfortunate that the NRA is confusing a crime fighting tool with the right to own a gun. Microstamping is a vitally important new crime fighting tool supported by over 80 law enforcement agencies across New York State.

Some arguments that have been put forth have been based on inaccurate assumptions and conclusions. For your reference I have attached most of the arguments that have been put forward to disparage the benefits of Microstamping to law enforcement as well as my rebuttal points, which I think that you will find persuasive.

If I can provide any further information please do not hesitate to ask.  
Thank you for your kind attention.

Yours truly,

Michelle Schimel

**NRA says: *Microstamping can be easily defeated.***

 **FACT: You may hear that microstamping is not worth the effort because it can be easily defeated by criminals but nothing is further from the truth.**

**The unintentional markings currently used by firearms examiners and NIBIN are much more susceptible to foul play than the intentional microstamp markings, which are positively designed to resist tampering.**


Microstamp-equipped weapons have several “counter measures” to prevent tampering by common criminals. These include redundant gear and radial marks on the firing pin, as well as marks on the breech face of the firearm. These redundant markings on the breech face are difficult to access, and require lab quality microscopy to ensure they have been removed successfully.

An individual would need intimate knowledge of firearms and microstamping, plus the appropriate tools, in order to render the technology ineffective. These tools are certainly not “household items,” nor would the common street criminal be expected to have the knowledge necessary to defeat the technology.

At any rate, criminals do not typically alter guns that are used in crime even though cartridges recovered from crime scenes are always catalogued as evidence by firearms examiners and often run through the National Integrated Ballistic Information Network (NIBIN) to search for matches.

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**NRA says: *A criminal can seed a crime scene with shell casings from unsuspecting lawful gun owners.***

 **FACT: According to Chief William Kilfoil, Port Washington Police District, and President of the New York State Chiefs of Police : It is unlikely that Criminals will have the presence of mind after a shooting to change evidence. Their goal is to leave the scene of the crime as quickly as possible.**


But even if the criminal has the presence of mind to attempt to remove the spent shell cartridges from the murder scene, the cartridges from semi-automatic handguns (the firearms covered under the microstamping bill) are randomly dispersed when ejected by the firearm. Police find the cases in the oddest of places. It is very unlikely that the criminal will be able to capture all of the evidence. Remember there are dead bodies at the scene as well.

It is then further suggested that the criminal, after removing his own numerous shell cartridges from the crime scene surrounding the victim/s, would then seed the crime scene with shell casings from a lawful gun owner who happened to frequent a firing range.

As implausible as this sounds, let's assume that the criminal secretly and discretely could gather up these cartridges at a firing range and transfer them to the scene of this crime. Fortunately trained police and detectives at the crime scene can track the projectiles at the scene. Assuming the police find these "seeded cartridges" they now have the benefit of another person to contact, namely the lawful gun owner and another place to investigate, namely the firing range. A firing range has a wealth of witnesses as well as video surveillance cameras and sign in sheets for the entrants who visited range.

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**NRA says: Microstamping will add hundreds of dollars to the cost of each gun.**

** FACT: See the bill language for yourself . The Microstamping bill explicitly states the cost to produce microstamp structures on the gun cannot exceed \$12 per gun. In all probability, it will be significantly less once production begins.**

§7. The superintendent of the state police has received written notice from one or more microstamp job shops that such shop or shops are willing and prepared to produce microstamp structures on two internal surfaces of a semiautomatic pistol in accordance with subdivision 24 of section 265.00 of the penal law for a price of twelve dollars or less at a production level of one thousand semiautomatic pistols per batch .

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**Respectfully submitted by  
Michelle Schimel  
Member of Assembly**