

**RESOLUTION CALLING ON THE NEW YORK STATE LEGISLATURE TO ELIMINATE THE
INEFFECTIVE AND EXPENSIVE CoBIS DATABASE, AS PROPOSED IN THE 2012-2013
EXECUTIVE BUDGET**

WHEREAS, the Second Amendment to the Constitution of the United States clearly states that “the right of the people to keep and bear Arms, shall not be infringed,” and

WHEREAS, Article XII of the Constitution of the State of New York clearly states, “The defense and protection of the state and of the United States is an obligation of all persons within the state,” and

WHEREAS, since its March 1, 2001 inception, the state-mandated CoBIS Combined Ballistics Identification System has failed to solve a single crime, despite collecting 258,700 shell casings, and

WHEREAS, the Honorable Andrew M. Cuomo, Governor of the State of New York, has proposed eliminating CoBIS in the Public Protection Section of the 2012-2013 Executive Budget, and

WHEREAS, Member of the Assembly Stephen Hawley of Albion, Orleans County, who represents the Town of Somerset in the State Assembly, did propose legislation in the 2011 legislative session (A.1131/S.459) that would eliminate the CoBIS Combined Ballistics Identification System, and

WHEREAS, since its 2001 inception, the estimated cost to New York State’s taxpayers for the operation and maintenance of CoBIS is \$4 million per year, and

WHEREAS, the Legislature of the County of Niagara supports any measure that provides reasonable tools to the prosecution of crime, but cannot condone wasting taxpayer resources on measures that have, in nearly a decade, proven incapable of solving a single crime while costing more than \$44 million, and

WHEREAS, the Legislature of the County of Niagara believes that \$4 million per year in taxpayer resources would be better spent on such efforts as placing additional State Police, sheriff’s deputies, and city police officers on patrol, or to provide for reimbursing the counties of the State of New York for housing state offenders in their county jails, or by being returned to the taxpayers, or by being used to close the State’s budget deficit as proposed by Governor Cuomo, and

WHEREAS, databases such as CoBIS presuppose criminal intent in the lawful purchase of firearms by law-abiding citizens, and

WHEREAS, the right to keep and bear arms as detailed in the first Whereas clause, above, is a right, and not a privilege to be modified at the whims of the federal, state, or local governments, and

WHEREAS, on June 26, 2008, the United States Supreme Court did, in the decision issued in the matter of *District of Columbia v. Heller*, find an individual right to keep and bear arms inherent in the language of the Second Amendment and of the U.S. Constitution, and

WHEREAS, the County of Niagara is home to a thriving sporting industry, as evidenced by the presence of the Fin-Feather-Fur Conservation Society, the Hartland Conservation Club, the Iroquois Arms Collectors Association, the Lake Ontario Trout & Salmon Association, the LaSalle Sportsman's Club, the Lockport Conservation Club, the Middleport Rod & Gun Club, the N.Y.S. Crossbow Hunter's Association, the Niagara County Chapter of SCOPE, the Niagara County Gobblers Chapter NWTF, the Niagara County Sportsmen's Association, the Niagara County Trappers Association, the Niagara Musky Association, the Niagara Frontier Friends of the NRA, the Niagara River Anglers Association, the North American Bear Foundation, the North Forest Rod & Gun Club, the Pheasants Forever of WNY #29 - Pioneer Conservation Sportsmen's of Niagara County, the Rapids Rod & Gun Club, the Somerset Conservation Club, the Tonawanda Sportsmen's Club, the Wheatfield Firearms Safety & Education Committee, the Wilson Conservation Club Auxiliary, the Wilson Conservation Club, and the Wolcottsville Rod & Gun Club, among others, and

WHEREAS, it is the right of the citizens of Niagara County to take any measures necessary to be secure in their homes against criminals and other dangerous trespassers, now, therefore be it

RESOLVED, that the Legislature of the County of Niagara does hereby endorse the provision of the 2012-2013 Executive Budget eliminating CoBIS, and be it further

RESOLVED, that the Legislature of the County of Niagara does urge the elimination of CoBIS through separate legislation, such as A.1131 of 2011, should that provision of the Executive Budget be eliminated prior to passage of a final state budget, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor Cuomo, Senator George D. Maziarz, Senator Mark Gristanti, Senate Majority Leader Dean G. Skelos, Member of the Member of the Assembly John D. Ceretto, Assembly Jane L. Corwin, Member of the Assembly Stephen Hawley, Member of the Assembly Ray Walter, Member of the Assembly Robin Schimminger, Speaker of the Assembly Sheldon Silver, Director of the Budget Robert L. Megna, Niagara County Federation of Conservation Clubs President Christopher Schotz, New York State Rifle and Pistol Association Vice President for Legislative Affairs Jacob J. Rieper, and all others deemed necessary and proper.

LEGISLATOR JOHN SYRACUSE

LEGISLATOR CLYDE L. BURMASTER

LEGISLATOR RICHARD E. UPDEGROVE