

After cousin's shooting, lawmaker calls for gun rules



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(Photo: LAUREN PETRACCA@LaurenPetracca/STAFF PHOTOGRAPHER)

A Democratic Monroe County lawmaker whose cousin was killed in a mass shooting last month wants to require local gun owners to store their firearms in safes or with locking devices.

The proposal is meant to make it more difficult for criminals to steal guns from legal owners and use them to commit violence. But gun rights advocates and Republican lawmakers said the proposal is misguided.

Legislator Ernest Flagler-Mitchell's cousin, Herbert Thomas, was one of two men killed in a [Sept. 12 shooting](#) ([/story/news/2015/09/12/five-people-shot-one-fatally-rochester-house-party/72141520/](#)) at a house party on Woodward Street on the city's northeast side. Flagler-Mitchell, also a city firefighter, said he felt a responsibility as an elected official to address gun violence.



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(<http://www.democratandchronicle.com/story/news/2015/09/12/five-people-shot-one-fatally-rochester-house-party/72141520/>)

"We support people having the right to bear arms," he said at a Thursday news conference. "We just want you to be responsible with bearing your arms."

According to the Rochester Police Department, as many as 60 percent of guns used in crimes in the city this year originally belonged to legal owners, Flagler-Mitchell said.

A police spokeswoman could not verify that figure Thursday, but other law enforcement officials have said that many guns used in local crimes were stolen or traded for drugs ([/story/news/2015/08/22/rochester-shootings-violence-increase/32128395/](#)).

Flagler-Mitchell's proposal may not get far. Democrats hold the minority in the legislature, and their proposals rarely gain traction with the Republican majority. On Thursday, Republican Majority Leader Steve Tucciarello said officials should focus instead on supporting police efforts to put criminals behind bars.

"In its current form, this proposal would do nothing to make our community safer and instead continues to impose new restrictions on law-abiding gun owners in our community," he said.

Violations of the proposed county law would carry a \$1,000 fine or 15 days in jail for a first offense, and a \$5,000 fine and/or a year in jail thereafter.

A similar storage requirement has been on the books in the city (<http://ecode360.com/8675468#8675468>) for years. No one has been cited for violating that provision of the firearm code in the past decade, according to the city.

Stephen Aldstadt, president of the Shooters Committee on Political Education, or SCOPE, said it sounds as if the county proposal would punish gun owners if someone steals their firearms.

"Clearly we encourage people to store their firearms in a safe and responsible manner, but we don't think that this legislation is going to improve safety," Aldstadt said.

Carrie Andrews, Democratic minority leader for the County Legislature, downplayed the enforcement piece of the proposal. She said the vast majority of gun owners follow the law and that passing the legislation could encourage more people to store their firearms safely.

"We do think that passing a law like this will generate public conversation, awareness and has the potential certainly to decrease the number of guns that are stolen, again, from legal, law-abiding gun owners," Andrews said.

The proposal is not meant to be a cure-all, but a small step in the right direction, she said.


The law also would require gun shops to post signs that explain the storage rules and say that gun owners may face additional penalties if an improperly stored firearm is used by someone else in a crime.

Flagler-Mitchell said there are similar requirements in Massachusetts, New York City and Albany.

Gun control advocates have [pushed for a similar firearm storage law \(/story/news/local/2014/04/29/group-families-pushing-gun-storage-law-ny/8478903/\)](/story/news/local/2014/04/29/group-families-pushing-gun-storage-law-ny/8478903/) at the state level.

This summer, there were at least two major thefts of safes containing guns from city homes — one on Lake Avenue in July and another on Clay Avenue in early September.

An AK-47 used in a drive-by shooting outside the Boys & Girls Club on Genesee Street [was likely among the guns stolen from the safe on Lake Avenue \(/story/news/2015/10/03/killer-ak-47-traced-burglary-genesee-homicides/73223548/\)](/story/news/2015/10/03/killer-ak-47-traced-burglary-genesee-homicides/73223548/).



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[Killer AK-47 traced to burglary](http://www.democratandchronicle.com/story/news/2015/10/03/killer-ak-47-traced-burglary-genesee-homicides/73223548/)

[\(http://www.democratandchronicle.com/story/news/2015/10/03/killer-ak-47-traced-burglary-genesee-homicides/73223548/\)](http://www.democratandchronicle.com/story/news/2015/10/03/killer-ak-47-traced-burglary-genesee-homicides/73223548/)

All but two Democrats in the legislature have signed onto the proposal. As of Thursday morning, lawmakers Dorothy Styk and John Lightfoot had not signaled their support.

William B. James, 30, was [charged last month with second-degree murder \(/story/news/2015/09/14/city-shooting-suspect-due-court/72247558/\)](/story/news/2015/09/14/city-shooting-suspect-due-court/72247558/) in the death of John Rudolph, 36, who also was killed at the Woodward Street party. No one has been charged in Thomas' killing.

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Ernest Flagler-Mitchell talks about his cousin who was killed in the shooting on Woodward Street on Sept. 12, 2015. LAUREN PETRACCA/@laurenpetracca/staff photographer



Glenda Gano, whose older brother was fatally shot on Woodward Street in Rochester, talks about her brother's love and passion for cutting hair. Video by Khristopher Brooks.



The house at 36 Woodward St. where two people were shot and killed at a party on Sept. 12, 2015. (Photo: MAX SCHULTE/@maxrophoto/MAX SCHULTE/@maxrophoto/STAFF P)

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