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2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when
printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to license to carry and
possess firearms

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 400.00 of the penal law is amended by adding a new
2 subdivision 1-a to read as follows:

3 1-A. QUALIFICATIONS. IN ADDITION TO THE REQUIREMENTS SET FORTH IN
4 SUBDIVISION ONE OF THIS SECTION, NO LICENSE SHALL BE ISSUED OR RENEWED
5 TO A PERSON WHO IS NOT IN THE BUSINESS OF GUNSMITH OR DEALER EXCEPT TO
6 AN APPLICANT:

7 (A) WHO IS EIGHTEEN YEARS OF AGE OR OLDER; (B) WHO HAS SATISFACTORILY
8 COMPLETED A COURSE, APPROVED BY THE COMMISSIONER OF THE DIVISION OF
9 CRIMINAL JUSTICE SERVICES, OF NOT LESS THAN FIFTEEN HOURS IN (I) THE
10 SAFE AND ACCURATE USE OF A PISTOL OR REVOLVER; (II) THE PROPER MAINTE-
11 NANCE OF A PISTOL OR REVOLVER; (III) THE LAWS REGARDING POSSESSION AND
12 USE OF A PISTOL OR REVOLVER; AND (IV) THE ADMINISTRATION OF FIRST AID TO
13 PERSONS INJURED BY A PISTOL OR REVOLVER; AND (C) WHO CAN PROVE TO THE
14 SATISFACTION OF THE LICENSING OFFICER AND THE SIGNATORY DISTRICT ATTOR-
15 NEY OR ATTORNEYS THAT THERE IS AN EXTRAORDINARY LIKELIHOOD THAT SUCH
16 PERSON MAY FIND HIMSELF OR HERSELF IN A SITUATION WHERE HE OR SHE MAY
17 HAVE TO USE A PISTOL OR REVOLVER TO PROTECT HIMSELF, HERSELF OR OTHERS,
18 FROM IMMINENT DANGER OF DEATH.

19 S 2. Section 400.00 of the penal law is amended by adding a new subdi-
20 vision 5-a to read as follows:

21 5-A. APPROVAL. NO LICENSE FOR A PISTOL OR REVOLVER SHALL BE ISSUED OR
22 RENEWED PURSUANT TO THIS SECTION BY THE LICENSING OFFICER, EXCEPT WITH
23 THE WRITTEN AND SIGNED APPROVAL OF THE DISTRICT ATTORNEY OF THE COUNTY
24 WHEREIN THE APPLICANT RESIDES OR, IN THE CASE WHERE THE APPLICANT

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 INTENDS TO USE SUCH PISTOL OR REVOLVER PRIMARILY IN A COUNTY OUTSIDE OF
2 THE APPLICANT'S COUNTY OF RESIDENCE, WITH THE APPROVAL OF SUCH OTHER
3 COUNTY'S DISTRICT ATTORNEY, OR IN THE CASE WHERE THE APPLICANT INTENDS
4 TO USE SUCH PISTOL OR REVOLVER IN SEVERAL COUNTIES OUTSIDE OF THE APPLI-
5 CANT'S COUNTY OF RESIDENCE, WITH THE APPROVAL OF THE DISTRICT ATTORNEY
6 OF THE COUNTY WHEREIN THE APPLICANT RESIDES PLUS AT LEAST ONE DISTRICT
7 ATTORNEY OF A COUNTY WHERE THE APPLICANT INTENDS TO USE SUCH PISTOL OR
8 REVOLVER.
9 S 3. This act shall take effect on the thirtieth day after it shall
10 have become a law.