S T A T E O F N E W Y O R K

135

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. LITTLE -- 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 authorizing the possession of a pistol or revolver while attending a pre-license firearms safety course

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

Section 1. Subdivision a of section 265.20 of the penal law is amended by adding a new paragraph 7-f to read as follows:

7-F. POSSESSION OF A PISTOL OR REVOLVER BY A PERSON WHO HAS APPLIED FOR A LICENSE TO POSSESS A PISTOL OR REVOLVER AND PRE-LICENSE POSSESSION OF SAME PURSUANT TO SECTION 400.00 OF THIS CHAPTER, WHO HAS NOT BEEN PREVIOUSLY DENIED A LICENSE, BEEN PREVIOUSLY CONVICTED OF A FELONY OR SERIOUS OFFENSE, AND WHO DOES NOT APPEAR TO BE, OR POSE A THREAT TO BE, A DANGER TO HIMSELF, HERSELF OR TO OTHERS, AND WHO HAS BEEN APPROVED FOR POSSESSION IN ACCORDANCE WITH SECTION 400.00 OF THIS CHAPTER; PROVIDED THAT SUCH POSSESSION SHALL BE OF A PISTOL OR REVOLVER DULY LICENSED TO AND SHALL BE POSSESSED UNDER THE SUPERVISION, GUIDANCE AND INSTRUCTION OF A CERTIFIED FIREARMS SAFETY COURSE INSTRUCTOR, AND PROVIDED FURTHER THAT SUCH POSSESSION OCCURS DURING THE COURSE OF A CERTIFIED PRE-LICENSE FIREARMS SAFETY COURSE IN WHICH SUCH PERSON IS ENROLLED.

S 2. Paragraph (b) of subdivision 3 of section 400.00 of the penal law, as added by chapter 778 of the laws of 1985, is amended to read as follows:

(b) Application for an exemption under paragraph seven-b OR SEVEN-F of subdivision a of section 265.20 of this chapter. Each applicant desiring to obtain the exemption set forth in paragraph seven-b OR SEVEN-F of subdivision a of section 265.20 of this chapter shall make such request in writing of the licensing officer with whom his OR HER application for a license is filed, at the time of filing such application. Such request

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

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shall include a signed and verified statement by the person authorized to instruct and supervise the applicant, that has met with the applicant and that he OR SHE has determined that, in his OR HER judgment, said applicant does not appear to be or poses a threat to be, a danger to himself, HERSELF or to others. He OR SHE shall include a copy of his OR HER certificate as an instructor in small arms, if he OR SHE is required to be certified, and state his OR HER address and telephone number. He OR SHE shall specify the exact location by name, address and telephone number where such instruction will take place. Such licensing officer shall, no later than ten business days after such filing, request the duly constituted police authorities of the locality where such application is made to investigate and ascertain any previous criminal record of the applicant pursuant to subdivision four of this section. Upon completion of this investigation, the police authority shall report the results to the licensing officer without unnecessary delay. The licensing officer shall no later than ten business days after the receipt of such investigation, determine if the applicant has been previously denied a license, been convicted of a felony, or been convicted of a serious offense, and either approve or disapprove the applicant for exemption purposes based upon such determinations. If the applicant is approved for the exemption, the licensing officer shall notify the appropriate duly constituted police authorities and the applicant. Such exemption shall terminate if the application for the license is denied, or at any earlier time based upon any information obtained by the licensing officer or the appropriate police authorities which would cause the license to be denied. The applicant and appropriate police authorities shall be notified of any such terminations.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.