

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sen. PERALTA -- 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 the disposal of firearms, rifles and shotguns by the state and local governments

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

1     Section 1. Subdivision 16 of section 400.00 of the penal law, as added  
2     by chapter 233 of the laws of 1980, is amended to read as follows:  
3     16. Unlawful disposal. (A) No person shall except as otherwise author-  
4     ized pursuant to law dispose of any firearm unless he OR SHE is licensed  
5     as gunsmith or dealer in firearms.  
6     (B) NO DEPARTMENT, BOARD, BUREAU, COMMISSION, AGENCY OR OTHER DIVISION  
7     OF THE STATE OR LOCAL GOVERNMENT SHALL SELL OR OTHERWISE TRANSFER ANY  
8     FIREARM, RIFLE OR SHOTGUN TO ANY PERSON OR ENTITY OTHER THAN TO A LAW  
9     ENFORCEMENT AGENCY FOR USE BY SUCH LAW ENFORCEMENT AGENCY. ANY DEPART-  
10    MENT, BOARD, BUREAU, COMMISSION, AGENCY OR OTHER DIVISION OF THE STATE  
11    OR LOCAL GOVERNMENT INTENDING TO DISPOSE OF ANY FIREARM, RIFLE OR SHOT-  
12    GUN SHALL, IF AUTHORIZED, EITHER SELL OR TRANSFER SUCH FIREARM, RIFLE OR  
13    SHOTGUN TO A LAW ENFORCEMENT AGENCY FOR USE BY SUCH LAW ENFORCEMENT  
14    AGENCY, OR DISPOSE OF THE FIREARM, RIFLE OR SHOTGUN BY DESTROYING THE  
15    SAME OR CAUSING IT TO BE DESTROYED OR RENDERING THE SAME OR CAUSING IT  
16    TO BE RENDERED INEFFECTIVE AND USELESS FOR ITS INTENDED PURPOSES AND  
17    HARMLESS TO HUMAN LIFE.  
18    S 2. This act shall take effect immediately.

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

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