

1796--A

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sens. ESPAILLAT, KRUEGER, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to expiration and renewal provisions of certain firearms licenses

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

1     Section 1. Subdivision 10 of section 400.00 of the penal law, as  
2     amended by chapter 447 of the laws of 1997, is amended to read as  
3     follows:  
4     10. License: expiration, certification and renewal. Any license for  
5     gunsmith or dealer in firearms and, in the city of New York, any license  
6     to carry or possess a pistol or revolver, issued at any time pursuant to  
7     this section or prior to the first day of July, nineteen hundred sixty-  
8     three and not limited to expire on an earlier date fixed in the license,  
9     shall expire not more than [three] TWO years after the date of issuance.  
10    In the counties of Nassau, Suffolk and Westchester, any license to carry  
11    or possess a pistol or revolver, issued at any time pursuant to this  
12    section or prior to the first day of July, nineteen hundred sixty-three  
13    and not limited to expire on an earlier date fixed in the license, shall  
14    expire not more than [five] TWO years after the date of issuance; howev-  
15    er, in the county of Westchester, any such license shall be certified  
16    prior to the first day of April, two thousand, in accordance with a  
17    schedule to be contained in regulations promulgated by the commissioner  
18    of the division of criminal justice services, and every such license  
19    shall be recertified every [five] TWO years thereafter. For purposes of  
20    this section certification shall mean that the licensee shall provide to  
21    the licensing officer the following information only: current name,  
22    date of birth, current address, and the make, model, caliber and serial

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

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1 number of all firearms currently possessed. Such certification informa-  
2 tion shall be filed by the licensing officer in the same manner as an  
3 amendment. Elsewhere than in the city of New York and the counties of  
4 Nassau, Suffolk and Westchester, any license to carry or possess a  
5 pistol or revolver, issued at any time pursuant to this section or prior  
6 to the first day of July, nineteen hundred sixty-three and not previous-  
7 ly revoked or cancelled, shall be in force and effect until revoked as  
8 herein provided. ELSEWHERE THAN IN THE CITY OF NEW YORK, COUNTIES OF  
9 NASSAU, SUFFOLK OR WESTCHESTER, ANY LICENSE TO CARRY OR POSSESS A PISTOL  
10 OR REVOLVER, ISSUED AT ANY TIME PURSUANT TO THIS SECTION OR PRIOR TO THE  
11 FIRST DAY OF JULY, NINETEEN HUNDRED SIXTY-THREE AND NOT LIMITED TO  
12 EXPIRE ON AN EARLIER DATE FIXED IN THE LICENSE, SHALL EXPIRE NOT MORE  
13 THAN TWO YEARS AFTER THE DATE OF ISSUANCE. Any license not previously  
14 cancelled or revoked shall remain in full force and effect for thirty  
15 days beyond the stated expiration date on such license. Any application  
16 to renew a license that has not previously expired, been revoked or  
17 cancelled shall thereby extend the term of the license until disposition  
18 of the application by the licensing officer. In the case of a license  
19 for gunsmith or dealer in firearms, in counties having a population of  
20 less than two hundred thousand inhabitants, photographs and fingerprints  
21 shall be submitted on original applications and upon renewal thereafter  
22 only at [six] TWO year intervals. Upon satisfactory proof that a  
23 currently valid original license has been despoiled, lost or otherwise  
24 removed from the possession of the licensee and upon application  
25 containing an additional photograph of the licensee, the licensing offi-  
26 cer shall issue a duplicate license.

27 S 2. Subdivision 10 of section 400.00 of the penal law, as amended by  
28 chapter 1 of the laws of 2013, is amended to read as follows:

29 10. License: expiration, certification and renewal. (a) Any license  
30 for gunsmith or dealer in firearms and, in the city of New York, any  
31 license to carry or possess a pistol or revolver, issued at any time  
32 pursuant to this section or prior to the first day of July, nineteen  
33 hundred sixty-three and not limited to expire on an earlier date fixed  
34 in the license, shall expire not more than [three] TWO years after the  
35 date of issuance. In the counties of Nassau, Suffolk and Westchester,  
36 any license to carry or possess a pistol or revolver, issued at any time  
37 pursuant to this section or prior to the first day of July, nineteen  
38 hundred sixty-three and not limited to expire on an earlier date fixed  
39 in the license, shall expire not more than [five] TWO years after the  
40 date of issuance; however, in the county of Westchester, any such  
41 license shall be certified prior to the first day of April, two thou-  
42 sand, in accordance with a schedule to be contained in regulations  
43 promulgated by the commissioner of the division of criminal justice  
44 services, and every such license shall be recertified every [five] TWO  
45 years thereafter. For purposes of this section certification shall mean  
46 that the licensee shall provide to the licensing officer the following  
47 information only: current name, date of birth, current address, and the  
48 make, model, caliber and serial number of all firearms currently  
49 possessed. Such certification information shall be filed by the licens-  
50 ing officer in the same manner as an amendment. Elsewhere than in the  
51 city of New York and the counties of Nassau, Suffolk and Westchester,  
52 any license to carry or possess a pistol or revolver, issued at any time  
53 pursuant to this section or prior to the first day of July, nineteen  
54 hundred sixty-three and not previously revoked or cancelled, shall be in  
55 force and effect until revoked as herein provided. ELSEWHERE THAN IN  
56 THE CITY OF NEW YORK, COUNTIES OF NASSAU, SUFFOLK OR WESTCHESTER, ANY

1 LICENSE TO CARRY OR POSSESS A PISTOL OR REVOLVER, ISSUED AT ANY TIME  
2 PURSUANT TO THIS SECTION OR PRIOR TO THE FIRST DAY OF JULY, NINETEEN  
3 HUNDRED SIXTY-THREE AND NOT LIMITED TO EXPIRE ON AN EARLIER DATE FIXED  
4 IN THE LICENSE, SHALL EXPIRE NOT MORE THAN TWO YEARS AFTER THE DATE OF  
5 ISSUANCE. Any license not previously cancelled or revoked shall remain  
6 in full force and effect for thirty days beyond the stated expiration  
7 date on such license. Any application to renew a license that has not  
8 previously expired, been revoked or cancelled shall thereby extend the  
9 term of the license until disposition of the application by the licens-  
10 ing officer. In the case of a license for gunsmith or dealer in  
11 firearms, in counties having a population of less than two hundred thou-  
12 sand inhabitants, photographs and fingerprints shall be submitted on  
13 original applications and upon renewal thereafter [only] at [six] TWO  
14 year intervals. Upon satisfactory proof that a currently valid original  
15 license has been despoiled, lost or otherwise removed from the  
16 possession of the licensee and upon application containing an additional  
17 photograph of the licensee, the licensing officer shall issue a dupli-  
18 cate license.

19 (b) All licensees shall be recertified to the division of state police  
20 every [five] TWO years thereafter. Any license issued before the effec-  
21 tive date of [the] chapter ONE of the laws of two thousand thirteen  
22 which added this paragraph shall be recertified by the licensee on or  
23 before January thirty-first, two thousand [eighteen] FIFTEEN, and not  
24 less than one year prior to such date, the state police shall send a  
25 notice to all license holders who have not recertified by such time.  
26 Such recertification shall be in a form as approved by the superinten-  
27 dent of state police, which shall request the license holder's name,  
28 date of birth, gender, race, residential address, social security  
29 number, firearms possessed by such license holder, email address at the  
30 option of the license holder and an affirmation that such license holder  
31 is not prohibited from possessing firearms. The form may be in an elec-  
32 tronic form if so designated by the superintendent of state police.  
33 Failure to recertify shall act as a revocation of such license. If the  
34 New York state police discover as a result of the recertification proc-  
35 ess that a licensee failed to provide a change of address, the New York  
36 state police shall not require the licensing officer to revoke such  
37 license.

38 S 3. This act shall take effect immediately; provided, however that  
39 section two of this act shall take effect on the same date and in the  
40 same manner as section 48 of chapter 1 of the laws of 2013, takes  
41 effect.