

S T A T E   O F   N E W   Y O R K

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9062--A

I N   A S S E M B L Y

January 20, 2016

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Introduced by M. of A. SKARTADOS -- read once and referred 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 prohibiting the purchase of a pistol, revolver, rifle, shotgun, machine gun or other firearm by persons who are not citizens of the United States

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

1     Section 1. The penal law is amended by adding a new section 265.21 to  
2     read as follows:  
3     S 265.21 PURCHASE OF WEAPONS BY A PERSON WHO IS NOT A CITIZEN OF THE  
4     UNITED STATES.  
5     A PERSON IS GUILTY OF PURCHASE OF WEAPONS BY A PERSON WHO IS NOT A  
6     CITIZEN OF THE UNITED STATES WHEN HE OR SHE PURCHASES A PISTOL, REVOL-  
7     VER, RIFLE, SHOTGUN, MACHINE GUN OR OTHER FIREARM IN THIS STATE.  
8     PURCHASE OF WEAPONS BY A PERSON WHO IS NOT A CITIZEN OF THE UNITED  
9     STATES IS A CLASS A MISDEMEANOR; PROVIDED THAT THE PERSON PURCHASING THE  
10    WEAPON IS GUILTY OF A CLASS D FELONY IF HE OR SHE HAS PREVIOUSLY BEEN  
11    CONVICTED OF ANY CRIME.  
12    S 2. Subdivision 1 of section 400.00 of the penal law, as amended by  
13    chapter 1 of the laws of 2013, is amended to read as follows:  
14    1. Eligibility. No license shall be issued or renewed pursuant to this  
15    section except by the licensing officer, and then only after investi-  
16    gation and finding that all statements in a proper application for a  
17    license are true. No license shall be issued or renewed except for an  
18    applicant (a) twenty-one years of age or older, provided, however, that  
19    where such applicant has been honorably discharged from the United  
20    States army, navy, marine corps, air force or coast guard, or the  
21    national guard of the state of New York, no such age restriction shall  
22    apply; (b) of good moral character; (c) who has not been convicted  
23    anywhere of a felony or a serious offense; (d) who is not a fugitive  
24    from justice; (e) who is not an unlawful user of or addicted to any  
25    controlled substance as defined in section 21 U.S.C. 802; (f) who being  
26    an alien (i) is not illegally or unlawfully in the United States or (ii)

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

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1 has not been admitted to the United States under a nonimmigrant visa  
2 subject to the exception in 18 U.S.C. 922(y)(2); (g) who has not been  
3 discharged from the Armed Forces under dishonorable conditions; (h) WHO  
4 IS A CITIZEN OF THE UNITED STATES; AND who, having been a citizen of the  
5 United States, has not renounced his or her citizenship; (i) who has  
6 stated whether he or she has ever suffered any mental illness; (j) who  
7 has not been involuntarily committed to a facility under the jurisdic-  
8 tion of an office of the department of mental hygiene pursuant to arti-  
9 cle nine or fifteen of the mental hygiene law, article seven hundred  
10 thirty or section 330.20 of the criminal procedure law, section four  
11 hundred two or five hundred eight of the correction law, section 322.2  
12 or 353.4 of the family court act, or has not been civilly confined in a  
13 secure treatment facility pursuant to article ten of the mental hygiene  
14 law; (k) who has not had a license revoked or who is not under a suspen-  
15 sion or ineligibility order issued pursuant to the provisions of section  
16 530.14 of the criminal procedure law or section eight hundred  
17 forty-two-a of the family court act; (l) in the county of Westchester,  
18 who has successfully completed a firearms safety course and test as  
19 evidenced by a certificate of completion issued in his or her name and  
20 endorsed and affirmed under the penalties of perjury by a duly author-  
21 ized instructor, except that: (i) persons who are honorably discharged  
22 from the United States army, navy, marine corps or coast guard, or of  
23 the national guard of the state of New York, and produce evidence of  
24 official qualification in firearms during the term of service are not  
25 required to have completed those hours of a firearms safety course  
26 pertaining to the safe use, carrying, possession, maintenance and stor-  
27 age of a firearm; and (ii) persons who were licensed to possess a pistol  
28 or revolver prior to the effective date of this paragraph are not  
29 required to have completed a firearms safety course and test; (m) who  
30 has not had a guardian appointed for him or her pursuant to any  
31 provision of state law, based on a determination that as a result of  
32 marked subnormal intelligence, mental illness, incapacity, condition or  
33 disease, he or she lacks the mental capacity to contract or manage his  
34 or her own affairs; and (n) concerning whom no good cause exists for the  
35 denial of the license. No person shall engage in the business of  
36 gunsmith or dealer in firearms unless licensed pursuant to this section.  
37 An applicant to engage in such business shall also be a citizen of the  
38 United States, more than twenty-one years of age and maintain a place of  
39 business in the city or county where the license is issued. For such  
40 business, if the applicant is a firm or partnership, each member thereof  
41 shall comply with all of the requirements set forth in this subdivision  
42 and if the applicant is a corporation, each officer thereof shall so  
43 comply.

44 S 3. This act shall take effect immediately and shall apply to all  
45 purchases of firearms occurring on and after such effective date.