

# STATE OF NEW YORK

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349

2017-2018 Regular Sessions

## IN ASSEMBLY

January 5, 2017

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Introduced by M. of A. PERRY, KAVANAGH -- Multi-Sponsored by -- M. of A. AUBRY -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to requiring proof of liability insurance prior to the issuance of a license to carry a firearm

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 400.00 of the penal law, as  
2 amended by chapter 1 of the laws of 2013, is amended to read as follows:  
3 1. Eligibility. No license shall be issued or renewed pursuant to this  
4 section except by the licensing officer, and then only after investi-  
5 gation and finding that all statements in a proper application for a  
6 license are true. No license shall be issued or renewed except for an  
7 applicant (a) twenty-one years of age or older, provided, however, that  
8 where such applicant has been honorably discharged from the United  
9 States army, navy, marine corps, air force or coast guard, or the  
10 national guard of the state of New York, no such age restriction shall  
11 apply; (b) of good moral character; (c) who has not been convicted  
12 anywhere of a felony or a serious offense; (d) who is not a fugitive  
13 from justice; (e) who is not an unlawful user of or addicted to any  
14 controlled substance as defined in section 21 U.S.C. 802; (f) who being  
15 an alien (i) is not illegally or unlawfully in the United States or (ii)  
16 has not been admitted to the United States under a nonimmigrant visa  
17 subject to the exception in 18 U.S.C. 922(y)(2); (g) who has not been  
18 discharged from the Armed Forces under dishonorable conditions; (h) who,  
19 having been a citizen of the United States, has not renounced his or her  
20 citizenship; (i) who has stated whether he or she has ever suffered any  
21 mental illness; (j) who has not been involuntarily committed to a facil-  
22 ity under the jurisdiction of an office of the department of mental  
23 hygiene pursuant to article nine or fifteen of the mental hygiene law,  
24 article seven hundred thirty or section 330.20 of the criminal procedure  
25 law, section four hundred two or five hundred eight of the correction

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

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1 law, section 322.2 or 353.4 of the family court act, or has not been  
2 civilly confined in a secure treatment facility pursuant to article ten  
3 of the mental hygiene law; (k) who has not had a license revoked or who  
4 is not under a suspension or ineligibility order issued pursuant to the  
5 provisions of section 530.14 of the criminal procedure law or section  
6 eight hundred forty-two-a of the family court act; (l) in the county of  
7 Westchester, who has successfully completed a firearms safety course and  
8 test as evidenced by a certificate of completion issued in his or her  
9 name and endorsed and affirmed under the penalties of perjury by a duly  
10 authorized instructor, except that: (i) persons who are honorably  
11 discharged from the United States army, navy, marine corps or coast  
12 guard, or of the national guard of the state of New York, and produce  
13 evidence of official qualification in firearms during the term of  
14 service are not required to have completed those hours of a firearms  
15 safety course pertaining to the safe use, carrying, possession, mainte-  
16 nance and storage of a firearm; and (ii) persons who were licensed to  
17 possess a pistol or revolver prior to the effective date of this para-  
18 graph are not required to have completed a firearms safety course and  
19 test; (m) who has not had a guardian appointed for him or her pursuant  
20 to any provision of state law, based on a determination that as a result  
21 of marked subnormal intelligence, mental illness, incapacity, condition  
22 or disease, he or she lacks the mental capacity to contract or manage  
23 his or her own affairs; ~~and~~ (n) who submits proof of personal liabil-  
24 ity insurance; and (o) concerning whom no good cause exists for the  
25 denial of the license. No person shall engage in the business of  
26 gunsmith or dealer in firearms unless licensed pursuant to this section.  
27 An applicant to engage in such business shall also be a citizen of the  
28 United States, more than twenty-one years of age and maintain a place of  
29 business in the city or county where the license is issued. For such  
30 business, if the applicant is a firm or partnership, each member thereof  
31 shall comply with all of the requirements set forth in this subdivision  
32 and if the applicant is a corporation, each officer thereof shall so  
33 comply.

34 § 2. This act shall take effect on the first of November next succeed-  
35 ing the date on which it shall have become a law and shall apply to  
36 licenses issued or renewed on or after such date.