

STATE OF NEW YORK

6787

2017-2018 Regular Sessions

IN ASSEMBLY

March 17, 2017

Introduced by M. of A. CASTORINA -- read once and referred to the
Committee on Codes

AN ACT to amend the penal law, in relation to the disclosure of firearm
licensees and applicants information

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

1 Section 1. Legislative intent. The legislature finds and declares that
2 municipalities and towns, which provides licenses to own firearms to any
3 eligible resident municipality or town who files an application with
4 sufficient proof of eligibility. The legislature further finds and
5 declares that information submitted when applying for their constitu-
6 tionally protected right to bear arms is confidential by the munici-
7 palities and towns in New York. The legislature further finds and
8 declares that in order to adequately protect the confidentiality of such
9 applicants, such documents fall within the personal privacy and other
10 exemptions of the freedom of information law, and would therefore be
11 exempt from disclosure. However, due to the great importance of the
12 privacy interests of such applicants, it should be made clear that these
13 materials are not subject to disclosure under the freedom of information
14 law. Accordingly, the legislature hereby finds and declares that it is
15 necessary and appropriate to prevent such documents from being made
16 available for inspection and copying under the freedom of information
17 law and comparable provisions of the New York city charter.

18 § 2. Paragraphs (f) and (g) of subdivision 5 of section 400.00 of the
19 penal law, as added by chapter 1 of the laws of 2013, are amended to
20 read as follows:

21 (f) The information of licensees or applicants for a license shall not
22 be disclosed to the public [~~during the first one hundred twenty days~~
23 ~~following the effective date of the chapter of the laws of two thousand~~
24 ~~thirteen, which amended this section. After such period, the information~~
25 ~~of those who had applied for or been granted a license prior to the~~

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

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~~preparation of the form for requesting an exception, pursuant to paragraph (b) of this subdivision, may be released only if such individuals did not file a request for such an exception during the first sixty days following such preparation; provided, however, that no information contained in an application for licensure or recertification shall be disclosed by an entity that has not completed processing any such requests received during such sixty days]~~ and shall be exempt from disclosure under article six of the public officers law and sections one thousand fifty-eight and one thousand fifty-nine of the New York city charter.

~~[(g) If a request for an exception is determined to be null and void pursuant to paragraph (b) or (c) of this subdivision, an applicant may request review of such determination pursuant to article seventy-eight of the civil practice laws and rules. Such proceeding must commence within thirty days after service of the written notice containing the adverse determination. Notice of the right to commence such a petition, and the time period therefor, shall be included in the notice of the determination. Disclosure following such a petition shall not be made prior to the disposition of such review.]~~

§ 3. This act shall take effect immediately.