

# STATE OF NEW YORK

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879--A

2017-2018 Regular Sessions

## IN SENATE

January 5, 2017

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Introduced by Sens. ORTT, AKSHAR, BONACIC, FUNKE, GALLIVAN, HELMING, MARCHIONE, RITCHIE, SEWARD, TEDISCO -- 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 criminal procedure law, the family court act, the domestic relations law, the general business law, the judiciary law, the mental hygiene law, the penal law and the surrogate's court procedure act, in relation to limiting the application of certain provisions of law relating to firearms to the counties of Kings, Queens, Richmond, New York and Bronx; and to repeal section 400.02 of the penal law relating to the statewide license and record database

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

1 Section 1. Subdivision 2-a of section 330.20 of the criminal procedure  
2 law, as added by chapter 1 of the laws of 2013, is amended to read as  
3 follows:

4 2-a. Firearm, rifle or shotgun surrender order in certain counties.  
5 [~~Upon~~] In the counties of Kings, Queens, Richmond, New York and Bronx,  
6 upon entry of a verdict of not responsible by reason of mental disease  
7 or defect, or upon the acceptance of a plea of not responsible by reason  
8 of mental disease or defect, or upon a finding that the defendant is an  
9 incapacitated person pursuant to article seven hundred thirty of this  
10 chapter, the court shall revoke the defendant's firearm license, if any,  
11 inquire of the defendant as to the existence and location of any  
12 firearm, rifle or shotgun owned or possessed by such defendant and  
13 direct the surrender of such firearm, rifle or shotgun pursuant to  
14 subparagraph (f) of paragraph one of subdivision a of section 265.20 and  
15 subdivision six of section 400.05 of the penal law.

16 § 2. Section 380.96 of the criminal procedure law, as added by chapter  
17 1 of the laws of 2013, is amended to read as follows:

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

LBD04769-02-7

§ 380.96 Obligation of sentencing court in certain counties pursuant to article four hundred of the penal law.

[~~Upon~~] In the counties of Kings, Queens, Richmond, New York and Bronx, upon judgment of conviction of any offense which would require the seizure of firearms, shotguns or rifles from an individual so convicted, and the revocation of any license or registration issued pursuant to article four hundred of the penal law, the judge pronouncing sentence shall demand surrender of any such license or registration and all firearms, shotguns and rifles. The failure to so demand surrender shall not effect the validity of any revocation pursuant to article four hundred of the penal law.

§ 3. Subdivisions 1, 2 and 3 of section 842-a of the family court act, as amended by chapter 1 of the laws of 2013, are amended to read as follows:

1. [~~Suspension~~] Mandatory and permissive suspension of firearms license and ineligibility for such a license upon the issuance of a temporary order of protection. Whenever a temporary order of protection is issued pursuant to section eight hundred twenty-eight of this article, or in the counties of Kings, Queens, Richmond, New York and Bronx, pursuant to article four, five, six, seven or ten of this act:

(a) the court shall suspend any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender [~~pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law,~~] of any or all firearms owned or possessed where the court receives information that gives the court good cause to believe that: (i) the respondent has a prior conviction of any violent felony offense as defined in section 70.02 of the penal law; (ii) the respondent has previously been found to have willfully failed to obey a prior order of protection and such willful failure involved (A) the infliction of physical injury, as defined in subdivision nine of section 10.00 of the penal law, (B) the use or threatened use of a deadly weapon or dangerous instrument as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law, or (C) behavior constituting any violent felony offense as defined in section 70.02 of the penal law; or (iii) the respondent has a prior conviction for stalking in the first degree as defined in section 120.60 of the penal law, stalking in the second degree as defined in section 120.55 of the penal law, stalking in the third degree as defined in section 120.50 of the penal law or stalking in the fourth degree as defined in section 120.45 of such law; and

(b) the court may and, in the counties of Kings, Queens, Richmond, New York and Bronx, shall where the court finds a substantial risk that the respondent may use or threaten to use a firearm unlawfully against the person or persons for whose protection the temporary order of protection is issued, suspend any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender [~~pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law,~~] of any or all firearms owned or possessed.

2. [~~Revocation~~] Mandatory and permissive revocation or suspension of firearms license and ineligibility for such a license upon the issuance of an order of protection. Whenever an order of protection is issued pursuant to section eight hundred forty-one of this part, or in the county of Kings, Queens, Richmond, New York or Bronx, pursuant to article four, five, six, seven or ten of this act:

(a) the court shall revoke any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender [~~pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law,~~] of any or all firearms owned or possessed where the court finds that the conduct which resulted in the issuance of the order of protection involved (i) the infliction of serious physical injury, as defined in subdivision [~~nine~~] ten of section 10.00 of the penal law, (ii) the use or threatened use of a deadly weapon or dangerous instrument as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law, or (iii) behavior constituting any violent felony offense as defined in section 70.02 of the penal law; and

(b) the court may and, in the counties of Kings, Queens, Richmond, New York and Bronx, shall, where the court finds a substantial risk that the respondent may use or threaten to use a firearm unlawfully against the person or persons for whose protection the order of protection is issued, (i) revoke any such existing license possessed by the respondent, order the respondent ineligible for such a license and order the immediate surrender [~~pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law,~~] of any or all firearms owned or possessed or (ii) suspend or continue to suspend any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender [~~pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law,~~] of any or all firearms owned or possessed.

3. [~~Revocation~~] Mandatory and permissive revocation or suspension of firearms license and ineligibility for such a license upon a finding of a willful failure to obey an order of protection or, in the county of Kings, Queens, Richmond, New York or Bronx, temporary order of protection. Whenever a respondent has been found, pursuant to section eight hundred forty-six-a of this part to have willfully failed to obey an order of protection or temporary order of protection issued [~~pursuant to this act or the domestic relations law, or~~] by this court or by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, in addition to any other remedies available pursuant to section eight hundred forty-six-a of this part:

(a) the court shall revoke any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender [~~pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law,~~] of any or all firearms owned or possessed where the willful failure to obey such order involves (i) the infliction of serious physical injury, as defined in subdivision [~~nine~~] ten of section 10.00 of the penal law, (ii) the use or threatened use of a deadly weapon or dangerous instrument as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law, or (iii) behavior constituting any violent felony offense as defined in section 70.02 of the penal law; or (iv) behavior constituting stalking in the first degree as defined in section 120.60 of the penal law, stalking in the second degree as defined in section 120.55 of the penal law, stalking in the third degree as defined in section 120.50 of the penal law or stalking in the fourth degree as defined in section 120.45 of such law; and

(b) the court may and, in the counties of Kings, Queens, Richmond, New York and Bronx, shall where the court finds a substantial risk that the respondent may use or threaten to use a firearm unlawfully against the person or persons for whose protection the order of protection was issued, (i) revoke any such existing license possessed by the respondent, order the respondent ineligible for such a license, whether or not the respondent possesses such a license, and order the immediate surrender ~~[pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law,~~ of any or all firearms owned or possessed or (ii) suspend any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender of any or all firearms owned or possessed.

§ 4. Section 846-a of the family court act, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

§ 846-a. Powers on failure to obey order. If a respondent is brought before the court for failure to obey any lawful order issued under this article or an order of protection or, in the county of Kings, Queens, Richmond, New York or Bronx, temporary order of protection issued ~~[pursuant to this act or issued]~~ by a court of competent jurisdiction of another state, territorial or tribal jurisdiction and if, after hearing, the court is satisfied by competent proof that the respondent has willfully failed to obey any such order, the court may modify an existing order or, in the county of Kings, Queens, Richmond, New York or Bronx, temporary order of protection to add reasonable conditions of behavior to the existing order, make a new order of protection in accordance with section eight hundred forty-two of this part, may order the forfeiture of bail in a manner consistent with article five hundred forty of the criminal procedure law if bail has been ordered pursuant to this act, may order the respondent to pay the petitioner's reasonable and necessary counsel fees in connection with the violation petition where the court finds that the violation of its order was willful, and may commit the respondent to jail for a term not to exceed six months. Such commitment may be served upon certain specified days or parts of days as the court may direct, and the court may, at any time within the term of such sentence, revoke such suspension and commit the respondent for the remainder of the original sentence, or suspend the remainder of such sentence. If the court determines that the willful failure to obey such order involves violent behavior constituting the crimes of menacing, reckless endangerment, assault or attempted assault and if such a respondent is licensed to carry, possess, repair and dispose of firearms pursuant to section 400.00 of the penal law, the court may also immediately revoke such license and may arrange for the immediate surrender ~~[pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law,~~ and disposal of any firearm such respondent owns or possesses. If the willful failure to obey such order involves the infliction of serious physical injury as defined in subdivision ~~[nine]~~ ten of section 10.00 of the penal law or the use or threatened use of a deadly weapon or dangerous instrument, as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law, such revocation and immediate surrender ~~[pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law six]~~ and disposal of any firearm owned or possessed by respondent shall be mandatory, pursuant to subdivision eleven of section 400.00 of the penal law.

1     § 5. Section 446-a of the family court act, as added by chapter 1 of  
2 the laws of 2013, is amended to read as follows:

3     § 446-a. Firearms; surrender and license suspension, revocation and  
4 ineligibility; certain counties. [~~Upon~~] In the counties of Kings,  
5 Queens, Richmond, New York and Bronx, upon the issuance of an order of  
6 protection or temporary order of protection, or upon a violation of such  
7 order, the court shall make a determination regarding the suspension and  
8 revocation of a license to carry, possess, repair or dispose of a  
9 firearm or firearms, ineligibility for such a license and the surrender  
10 of firearms in accordance with section eight hundred forty-two-a of this  
11 act.

12     § 6. Section 552 of the family court act, as added by chapter 1 of the  
13 laws of 2013, is amended to read as follows:

14     § 552. Firearms; surrender and license suspension, revocation and  
15 ineligibility; certain counties. [~~Upon~~] In the counties of Kings,  
16 Queens, Richmond, New York and Bronx, upon the issuance of an order of  
17 protection or temporary order of protection, or upon a violation of such  
18 order, the court shall make a determination regarding the suspension and  
19 revocation of a license to carry, possess, repair or dispose of a  
20 firearm or firearms, ineligibility for such a license and the surrender  
21 of firearms in accordance with section eight hundred forty-two-a of this  
22 act.

23     § 7. Section 656-a of the family court act, as added by chapter 1 of  
24 the laws of 2013, is amended to read as follows:

25     § 656-a. Firearms; surrender and license suspension, revocation and  
26 ineligibility; certain counties. [~~Upon~~] In the counties of Kings,  
27 Queens, Richmond, New York and Bronx, upon the issuance of an order of  
28 protection or temporary order of protection, or upon a violation of such  
29 order, the court shall make a determination regarding the suspension and  
30 revocation of a license to carry, possess, repair or dispose of a  
31 firearm or firearms, ineligibility for such a license and the surrender  
32 of firearms in accordance with section eight hundred forty-two-a of this  
33 act.

34     § 8. Section 780-a of the family court act, as added by chapter 1 of  
35 the laws of 2013, is amended to read as follows:

36     § 780-a. Firearms; surrender and license suspension, revocation and  
37 ineligibility; certain counties. [~~Upon~~] In the counties of Kings,  
38 Queens, Richmond, New York and Bronx, upon the issuance of an order of  
39 protection or temporary order of protection, or upon a violation of such  
40 order, the court shall make a determination regarding the suspension and  
41 revocation of a license to carry, possess, repair or dispose of a  
42 firearm or firearms, ineligibility for such a license and the surrender  
43 of firearms in accordance with section eight hundred forty-two-a of this  
44 act.

45     § 9. Section 1056-a of the family court act, as added by chapter 1 of  
46 the laws of 2013, is amended to read as follows:

47     § 1056-a. Firearms; surrender and license suspension, revocation and  
48 ineligibility; certain counties. [~~Upon~~] In the counties of Kings,  
49 Queens, Richmond, New York and Bronx, upon the issuance of an order of  
50 protection or temporary order of protection, or upon a violation of such  
51 order, the court shall make an order in accordance with section eight  
52 hundred forty-two-a of this act.

53     § 10. Paragraph h of subdivision 3 of section 240 of the domestic  
54 relations law, as amended by chapter 1 of the laws of 2013, is amended  
55 to read as follows:



h. Upon issuance of an order of protection or temporary order of protection or upon a violation of such order, the court may and, in the counties of Kings, Queens, Richmond, New York and Bronx, shall make a determination regarding the suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms, ineligibility for such a license and the surrender of firearms in accordance with sections eight hundred forty-two-a and eight hundred forty-six-a of the family court act, as applicable. Upon issuance of an order of protection pursuant to this section or upon a finding of a violation thereof, the court also may direct payment of restitution in an amount not to exceed ten thousand dollars in accordance with subdivision (e) of section eight hundred forty-one of such act; provided, however, that in no case shall an order of restitution be issued where the court determines that the party against whom the order would be issued has already compensated the injured party or where such compensation is incorporated in a final judgment or settlement of the action.

§ 11. Subdivision 9 of section 252 of the domestic relations law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

9. Upon issuance of an order of protection or temporary order of protection or upon a violation of such order, the court may and, in the counties of Kings, Queens, Richmond, New York and Bronx, shall make a determination regarding the suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms, ineligibility for such a license and the surrender of firearms in accordance with sections eight hundred forty-two-a and eight hundred forty-six-a of the family court act, as applicable. Upon issuance of an order of protection pursuant to this section or upon a finding of a violation thereof, the court also may direct payment of restitution in an amount not to exceed ten thousand dollars in accordance with subdivision (e) of section eight hundred forty-one of such act; provided, however, that in no case shall an order of restitution be issued where the court determines that the party against whom the order would be issued has already compensated the injured party or where such compensation is incorporated in a final judgment or settlement of the action.

§ 12. The opening paragraph and paragraph (b) of subdivision 1 of section 530.14 of the criminal procedure law, as amended by chapter 1 of the laws of 2013, are amended to read as follows:

[~~Suspension~~] Mandatory and permissive suspension of firearms license and ineligibility for such a license upon issuance of temporary order of protection. Whenever a temporary order of protection is issued pursuant to subdivision one of section 530.12 or subdivision one of section 530.13 of this article:

(b) the court may and, in the counties of Kings, Queens, Richmond, New York and Bronx, shall where the court finds a substantial risk that the defendant may use or threaten to use a firearm unlawfully against the person or persons for whose protection the temporary order of protection is issued, suspend any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender [~~pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law,~~] of any or all firearms owned or possessed.

§ 13. The opening paragraph and paragraph (b) of subdivision 2 of section 530.14 of the criminal procedure law, as amended by chapter 1 of the laws of 2013, are amended to read as follows:

[~~Revocation~~] Mandatory and permissive revocation or suspension of firearms license and ineligibility for such a license upon issuance of

1 an order of protection. Whenever an order of protection is issued pursu-  
2 ant to subdivision five of section 530.12 or subdivision four of section  
3 530.13 of this article:

4 (b) the court may and, in the counties of Kings, Queens, Richmond, New  
5 York and Bronx, shall where the court finds a substantial risk that the  
6 defendant may use or threaten to use a firearm unlawfully against the  
7 person or persons for whose protection the order of protection is  
8 issued, (i) revoke any such existing license possessed by the defendant,  
9 order the defendant ineligible for such a license and order the immedi-  
10 ate surrender of any or all firearms owned or possessed or (ii) suspend  
11 or continue to suspend any such existing license possessed by the  
12 defendant, order the defendant ineligible for such a license and order  
13 the immediate surrender [~~pursuant to subparagraph (f) of paragraph one~~  
14 ~~of subdivision a of section 265.20 and subdivision six of section 400.05~~  
15 ~~of the penal law,~~] of any or all firearms owned or possessed.

16 § 14. The opening paragraph and paragraph (b) of subdivision 3 of  
17 section 530.14 of the criminal procedure law, as amended by chapter 1 of  
18 the laws of 2013, are amended to read as follows:

19 [~~Revocation~~] Mandatory and permissive revocation or suspension of  
20 firearms license and ineligibility for such a license upon a finding of  
21 a willful failure to obey an order of protection. Whenever a defendant  
22 has been found pursuant to subdivision eleven of section 530.12 or  
23 subdivision eight of section 530.13 of this article to have willfully  
24 failed to obey an order of protection issued by a court of competent  
25 jurisdiction in this state or another state, territorial or tribal  
26 jurisdiction, in addition to any other remedies available pursuant to  
27 subdivision eleven of section 530.12 or subdivision eight of section  
28 530.13 of this article:

29 (b) the court may and, in the counties of Kings, Queens, Richmond, New  
30 York and Bronx, shall where the court finds a substantial risk that the  
31 defendant may use or threaten to use a firearm unlawfully against the  
32 person or persons for whose protection the order of protection was  
33 issued, (i) revoke any such existing license possessed by the defendant,  
34 order the defendant ineligible for such a license and order the immedi-  
35 ate surrender [~~pursuant to subparagraph (f) of paragraph one of subdivi-~~  
36 ~~sion a of section 265.20 and subdivision six of section 400.05 of the~~  
37 ~~penal law,~~] of any or all firearms owned or possessed or (ii) suspend  
38 any such existing license possessed by the defendant, order the defend-  
39 ant ineligible for such a license and order the immediate surrender  
40 [~~pursuant to subparagraph (f) of paragraph one of subdivision a of~~  
41 ~~section 265.20 and subdivision six of section 400.05 of the penal law,~~]  
42 of any or all firearms owned or possessed.

43 § 15. The article heading of article 39-DDD of the general business  
44 law, as added by chapter 1 of the laws of 2013, is amended to read as  
45 follows:

46 PRIVATE SALE OR DISPOSAL OF FIREARMS, RIFLES AND SHOTGUNS

47 IN CERTAIN COUNTIES

48 § 16. Subdivision 1 of section 898 of the general business law, as  
49 added by chapter 1 of the laws of 2013, is amended to read as follows:

50 1. In addition to any other requirements pursuant to state and federal  
51 law, all sales, exchanges or disposals of firearms, rifles or shotguns,  
52 in the counties of Kings, Queens, Richmond, New York and Bronx, shall be  
53 conducted in accordance with this section unless such sale, exchange or  
54 disposal is conducted by a licensed importer, licensed manufacturer or  
55 licensed dealer, as those terms are defined in 18 USC § 922, when such  
56 sale, exchange or disposal is conducted pursuant to that person's feder-

1 al firearms license or such sale, exchange or disposal is between  
2 members of an immediate family. For purposes of this section, "immediate  
3 family" shall mean spouses, domestic partners, children and step-child-  
4 dren.

5 § 17. Paragraph (q) of subdivision 2 of section 212 of the judiciary  
6 law, as amended by chapter 1 of the laws of 2013, is amended to read as  
7 follows:

8 (q) Adopt rules to require transmission, to the criminal justice  
9 information services division of the federal bureau of investigation or  
10 to the division of criminal justice services, of the name and other  
11 identifying information of each person who has a guardian appointed for  
12 him or her pursuant to any provision of state law, based on a determi-  
13 nation that as a result of marked subnormal intelligence, mental  
14 illness, incapacity, condition or disease, he or she lacks the mental  
15 capacity to contract or manage his or her own affairs. Any such records,  
16 relating to persons residing in the county of Kings, Queens, Richmond,  
17 New York or Bronx, transmitted directly to the federal bureau of inves-  
18 tigation must also be transmitted to the division of criminal justice  
19 services[, ~~and any records received by the division of criminal justice~~  
20 ~~services pursuant to this paragraph may be checked against the statewide~~  
21 ~~license and record database~~].

22 § 18. Subdivision (j) of section 7.09 of the mental hygiene law, as  
23 amended by chapter 1 of the laws of 2013, is amended to read as follows:

24 (j) (1) The commissioner, in cooperation with other applicable state  
25 agencies, shall collect, retain or modify data or records, and shall  
26 transmit such data or records: (i) to the division of criminal justice  
27 services, or to the criminal justice information services division of  
28 the federal bureau of investigation, for the purposes of responding to  
29 queries to the national instant criminal background check system regard-  
30 ing attempts to purchase or otherwise take possession of firearms, as  
31 defined in 18 USC 921(a)(3), in accordance with applicable federal laws  
32 or regulations, or (ii) for persons residing in the county of Kings,  
33 Queens, Richmond, New York or Bronx, to the division of criminal justice  
34 services, which may re-disclose such data and records only for determin-  
35 ing whether a license issued pursuant to section 400.00 of the penal law  
36 should be denied, suspended or revoked, under subdivision eleven of such  
37 section, or for determining whether a person is no longer permitted  
38 under federal or state law to possess a firearm. Such records, which may  
39 not be used for any other purpose, shall include only names and other  
40 non-clinical identifying information of persons who have been involun-  
41 tarily committed to a hospital pursuant to article nine of this chapter,  
42 ~~[or section four hundred two or subdivision two of section five hundred~~  
43 ~~eight of the correction law,~~ or article seven hundred thirty or section  
44 330.20 of the criminal procedure law or sections 322.2 or 353.4 of the  
45 family court act, or to a secure treatment facility pursuant to article  
46 ten of this chapter.

47 (2) The commissioner shall establish within the office of mental  
48 health an administrative process to permit a person who has been or may  
49 be disqualified from possessing such a firearm pursuant to 18 USC  
50 922(4)(d) or who has been or may be disqualified from continuing to have  
51 a license to carry, possess, repair, or dispose of a firearm under  
52 section 400.00 of the penal law because such person, who resides in the  
53 county of Kings, Queens, Richmond, New York or Bronx, was involuntarily  
54 committed or civilly confined to a facility under the jurisdiction of  
55 the commissioner, to petition for relief from that disability where such  
56 person's record and reputation are such that such person will not be



likely to act in a manner dangerous to public safety and where the granting of the relief would not be contrary to public safety. The commissioner shall promulgate regulations to establish the relief from disabilities program, which shall include, but not be limited to, provisions providing for: (i) an opportunity for a disqualified person to petition for relief in writing; (ii) the authority for the agency to require that the petitioner undergo a clinical evaluation and risk assessment; and (iii) a requirement that the agency issue a decision in writing explaining the reasons for a denial or grant of relief. The denial of a petition for relief from disabilities may be reviewed de novo pursuant to the proceedings under article seventy-eight of the civil practice law and rules.

§ 19. Subdivision (b) of section 9.46 of the mental hygiene law, as added by chapter 1 of the laws of 2013, is amended to read as follows:

(b) Notwithstanding any other law to the contrary, when a mental health professional currently providing treatment services to a person, who resides in the county of Kings, Queens, Richmond, New York or Bronx, determines, in the exercise of reasonable professional judgment, that such person is likely to engage in conduct that would result in serious harm to self or others, he or she shall be required to report, as soon as practicable, to the director of community services, or the director's designee, who shall report to the division of criminal justice services whenever he or she agrees that the person is likely to engage in such conduct. Information transmitted to the division of criminal justice services shall be limited to names and other non-clinical identifying information, which may only be used for determining whether a license issued pursuant to section 400.00 of the penal law should be suspended or revoked, or for determining whether a person is ineligible for a license issued pursuant to section 400.00 of the penal law, or is no longer permitted under state or federal law to possess a firearm.

§ 20. Subdivision 22 of section 265.00 of the penal law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

22. "Assault weapon" means

(a) (i) except as otherwise provided in paragraph (b) of this subdivision, a semiautomatic rifle that has an ability to accept a detachable magazine and has at least two of the following characteristics:

(A) a folding or telescoping stock;

(B) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(C) a bayonet mount;

(D) a flash suppressor or threaded barrel designed to accommodate a flash suppressor;

(E) a grenade launcher; or

(ii) a semiautomatic shotgun that has at least two of the following characteristics:

(A) a folding or telescoping stock;

(B) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(C) a fixed magazine capacity in excess of five rounds;

(D) an ability to accept a detachable magazine; or

(iii) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least two of the following characteristics:

(A) an ammunition magazine that attaches to the pistol outside of the pistol grip;

(B) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;

(C) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;

(D) a manufactured weight of fifty ounces or more when the pistol is unloaded;

(E) a semiautomatic version of an automatic rifle, shotgun or firearm; or

(iv) any of the weapons, or functioning frames or receivers of such weapons, or copies or duplicates of such weapons, in any caliber, known as:

(A) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models);

(B) Action Arms Israeli Military Industries UZI and Galil;

(C) Beretta Ar70 (SC-70);

(D) Colt AR-15;

(E) Fabrique National FN/FAL, FN/LAR, and FNC;

(F) SWD M-10, M-11, M-11/9, and M-12;

(G) Steyr AUG;

(H) INTRATEC TEC-9, TEC-DC9 and TEC-22; and

(I) revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12;

(v) provided, however, that such term does not include: (A) any rifle, shotgun or pistol that (I) is manually operated by bolt, pump, lever or slide action; (II) has been rendered permanently inoperable; or (III) is an antique firearm as defined in 18 U.S.C. 921(a)(16);

(B) a semiautomatic rifle that cannot accept a detachable magazine that holds more than five rounds of ammunition;

(C) a semiautomatic shotgun that cannot hold more than five rounds of ammunition in a fixed or detachable magazine;

(D) a rifle, shotgun or pistol, or a replica or a duplicate thereof, specified in Appendix A to section 922 of 18 U.S.C. as such weapon was manufactured on October first, nineteen hundred ninety-three. The mere fact that a weapon is not listed in Appendix A shall not be construed to mean that such weapon is an assault weapon; or

(E) a semiautomatic rifle, a semiautomatic shotgun or a semiautomatic pistol or any of the weapons defined in paragraph (d) of this subdivision lawfully possessed prior to September fourteenth, nineteen hundred ninety-four.

(b) (i) in the counties of Kings, Queens, Richmond, New York and Bronx, a semiautomatic rifle that has an ability to accept a detachable magazine and has at least one of the following characteristics:

~~(i)~~ (A) a folding or telescoping stock;

~~(ii)~~ (B) a pistol grip that protrudes conspicuously beneath the action of the weapon;

~~(iii)~~ (C) a thumbhole stock;

~~(iv)~~ (D) a second handgrip or a protruding grip that can be held by the non-trigger hand;

~~(v)~~ (E) a bayonet mount;

~~(vi)~~ (F) a flash suppressor, muzzle break, muzzle compensator, or threaded barrel designed to accommodate a flash suppressor, muzzle break, or muzzle compensator;

~~(vii)~~ (G) a grenade launcher; or

~~(b)~~ (ii) a semiautomatic shotgun that has at least one of the following characteristics:

~~(i)~~ (A) a folding or telescoping stock;

~~(ii)~~ (B) a thumbhole stock;

1    [~~(iii)~~] (C) a second handgrip or a protruding grip that can be held by  
2    the non-trigger hand;  
3    [~~(iv)~~] (D) a fixed magazine capacity in excess of seven rounds;  
4    [~~(v)~~] (E) an ability to accept a detachable magazine; or  
5    [~~(e)~~] (iii) a semiautomatic pistol that has an ability to accept a  
6    detachable magazine and has at least one of the following character-  
7    istics:  
8    [~~(i)~~] (A) a folding or telescoping stock;  
9    [~~(ii)~~] (B) a thumbhole stock;  
10    [~~(iii)~~] (C) a second handgrip or a protruding grip that can be held by  
11    the non-trigger hand;  
12    [~~(iv)~~] (D) capacity to accept an ammunition magazine that attaches to  
13    the pistol outside of the pistol grip;  
14    [~~(v)~~] (E) a threaded barrel capable of accepting a barrel extender,  
15    flash suppressor, forward handgrip, or silencer;  
16    [~~(vi)~~] (F) a shroud that is attached to, or partially or completely  
17    encircles, the barrel and that permits the shooter to hold the firearm  
18    with the non-trigger hand without being burned;  
19    [~~(vii)~~] (G) a manufactured weight of fifty ounces or more when the  
20    pistol is unloaded; or  
21    [~~(viii)~~] (H) a semiautomatic version of an automatic rifle, shotgun or  
22    firearm;  
23    [~~(d)~~] (iv) a revolving cylinder shotgun;  
24    [~~(e)~~] (v) a semiautomatic rifle, a semiautomatic shotgun or a semiau-  
25    tomatic pistol or weapon defined in subparagraph (v) of paragraph (e) of  
26    subdivision twenty-two of section 265.00 of this chapter as added by  
27    chapter one hundred eighty-nine of the laws of two thousand and other-  
28    wise lawfully possessed pursuant to such chapter of the laws of two  
29    thousand prior to September fourteenth, nineteen hundred ninety-four;  
30    [~~(f)~~] (vi) a semiautomatic rifle, a semiautomatic shotgun or a semiau-  
31    tomatic pistol or weapon defined in paragraph (a), (b) or (c) of this  
32    subdivision, possessed prior to the date of enactment of the chapter of  
33    the laws of two thousand thirteen which added this paragraph;  
34    [~~(g)~~] (vii) provided, however, that such term does not include:  
35    [~~(i)~~] (A) any rifle, shotgun or pistol that [~~(A)~~] (I) is manually  
36    operated by bolt, pump, lever or slide action; [~~(B)~~] (II) has been  
37    rendered permanently inoperable; or [~~(C)~~] (III) is an antique firearm as  
38    defined in 18 U.S.C. 921(a)(16);  
39    [~~(ii)~~] (B) a semiautomatic rifle that cannot accept a detachable maga-  
40    zine that holds more than five rounds of ammunition;  
41    [~~(iii)~~] (C) a semiautomatic shotgun that cannot hold more than five  
42    rounds of ammunition in a fixed or detachable magazine; or  
43    [~~(iv)~~] (D) a rifle, shotgun or pistol, or a replica or a duplicate  
44    thereof, specified in Appendix A to 18 U.S.C. 922 as such weapon was  
45    manufactured on October first, nineteen hundred ninety-three. The mere  
46    fact that a weapon is not listed in Appendix A shall not be construed to  
47    mean that such weapon is an assault weapon;  
48    [~~(v)~~] (E) any weapon validly registered pursuant to subdivision  
49    sixteen-a of section 400.00 of this chapter. Such weapons shall be  
50    subject to the provisions of [~~paragraph (h)~~] subparagraph (viii) of this  
51    [~~subdivision~~] paragraph;  
52    [~~(vi)~~] (F) any firearm, rifle, or shotgun that was manufactured at  
53    least fifty years prior to the current date, but not including replicas  
54    thereof that is validly registered pursuant to subdivision sixteen-a of  
55    section 400.00 of this chapter;

1 ~~[(h)]~~ (viii) Any weapon defined in ~~[paragraph (e) or (f)]~~ subparagraph  
2 (v) or (vi) of this ~~[subdivision]~~ paragraph and any large capacity ammu-  
3 nition feeding device that was legally possessed by an individual prior  
4 to the enactment of ~~[the]~~ chapter one of the laws of two thousand thir-  
5 teen which added this paragraph, may only be sold to, exchanged with or  
6 disposed of to a purchaser authorized to possess such weapons or to an  
7 individual or entity outside of the state provided that any such trans-  
8 fer to an individual or entity outside of the state must be reported to  
9 the entity wherein the weapon is registered within seventy-two hours of  
10 such transfer. An individual who transfers any such weapon or large  
11 capacity ammunition device to an individual inside New York state or  
12 without complying with the provisions of this paragraph shall be guilty  
13 of a class A misdemeanor unless such large capacity ammunition feeding  
14 device, the possession of which is made illegal by ~~[the]~~ chapter one of  
15 the laws of two thousand thirteen which added this ~~[paragraph]~~ subpara-  
16 graph, is transferred within one year of the effective date of ~~[the]~~  
17 chapter one of the laws of two thousand thirteen which added this ~~[para-~~  
18 ~~graph]~~ subparagraph.

19 § 21. Subdivision 23 of section 265.00 of the penal law, as amended by  
20 chapter 1 of the laws of 2013, is amended to read as follows:

21 23. "Large capacity ammunition feeding device" means a magazine, belt,  
22 drum, feed strip, or similar device, manufactured after September thir-  
23 tieth, nineteen hundred ninety-four, that ~~[(a)]~~ has a capacity of, or  
24 that can be readily restored or converted to accept, more than ten  
25 rounds of ammunition~~[(a)]~~, ~~or (b) contains more than seven rounds of ammu-~~  
26 ~~nition, or (c) is obtained after the effective date of the chapter of the~~  
27 ~~laws of two thousand thirteen which amended this subdivision and has a~~  
28 ~~capacity of, or that can be readily restored or converted to accept,~~  
29 ~~more than seven rounds of ammunition]~~; provided, however, that such term  
30 does not include an attached tubular device designed to accept, and  
31 capable of operating only with, .22 caliber rimfire ammunition ~~[or a~~  
32 ~~feeding device that is a curio or relic. A feeding device that is a~~  
33 ~~curio or relic is defined as a device that (i) was manufactured at least~~  
34 ~~fifty years prior to the current date, (ii) is only capable of being~~  
35 ~~used exclusively in a firearm, rifle, or shotgun that was manufactured~~  
36 ~~at least fifty years prior to the current date, but not including repli-~~  
37 ~~eas thereof, (iii) is possessed by an individual who is not prohibited~~  
38 ~~by state or federal law from possessing a firearm and (iv) is registered~~  
39 ~~with the division of state police pursuant to subdivision sixteen-a of~~  
40 ~~section 400.00 of this chapter, except such feeding devices transferred~~  
41 ~~into the state may be registered at any time, provided they are regis-~~  
42 ~~tered within thirty days of their transfer into the state. Notwithstand-~~  
43 ~~ing paragraph (h) of subdivision twenty-two of this section, such feed-~~  
44 ~~ing devices may be transferred provided that such transfer shall be~~  
45 ~~subject to the provisions of section 400.03 of this chapter including~~  
46 ~~the check required to be conducted pursuant to such section]~~.

47 § 22. Subdivision 24 of section 265.00 of the penal law, as added by  
48 chapter 1 of the laws of 2013, is amended to read as follows:

49 24. "Seller of ammunition" means any person, firm, partnership, corpo-  
50 ration or company who engages in the business of purchasing, selling or  
51 keeping ammunition in the county of Kings, Queens, Richmond, New York or  
52 Bronx.

53 § 23. The opening paragraph of section 265.01-b of the penal law, as  
54 added by chapter 1 of the laws of 2013, is amended to read as follows:

55 A person is guilty of criminal possession of a firearm when he or she,  
56 being a resident of the county of Kings, Queens, Richmond, New York or

1 Bronx: (1) possesses any firearm or; (2) lawfully possesses a firearm  
2 prior to the effective date of [~~the~~] chapter one of the laws of two  
3 thousand thirteen which added this section subject to the registration  
4 requirements of subdivision sixteen-a of section 400.00 of this chapter  
5 and knowingly fails to register such firearm pursuant to such subdivi-  
6 sion.

7 § 24. Paragraphs 3 and 7-f of subdivision a of section 265.20 of the  
8 penal law, paragraph 3 as amended and paragraph 7-f as added by chapter  
9 1 of the laws of 2013, are amended to read as follows:

10 3. Possession of a pistol or revolver by a person to whom a license  
11 therefor has been issued as provided under section 400.00 or 400.01 of  
12 this chapter or possession, in the county of Kings, Queens, Richmond,  
13 New York or Bronx, of a weapon as defined in subparagraph (v) or (vi) of  
14 paragraph [~~(e) or (f)~~] (b) of subdivision twenty-two of section 265.00  
15 of this article which is registered pursuant to paragraph (a) of subdivi-  
16 sion sixteen-a of section 400.00 of this chapter or is included on an  
17 amended license issued pursuant to section 400.00 of this chapter. In  
18 the event such license is revoked, other than because such licensee is  
19 no longer permitted to possess a firearm, rifle or shotgun under federal  
20 or state law, information sufficient to satisfy the requirements of  
21 subdivision sixteen-a of section 400.00 of this chapter, shall be trans-  
22 mitted by the licensing officer to the division of state police, in a  
23 form as determined by the superintendent of state police. Such trans-  
24 mission shall constitute a valid registration under such section.  
25 Further provided, notwithstanding any other section of this title, a  
26 failure to register such weapon by an individual, in the county of  
27 Kings, Queens, Richmond, New York or Bronx, who possesses such weapon  
28 before the enactment of [~~the~~] chapter one of the laws of two thousand  
29 thirteen which amended this paragraph and may so lawfully possess it  
30 thereafter upon registration, shall only be subject to punishment pursu-  
31 ant to paragraph (c) of subdivision sixteen-a of section 400.00 of this  
32 chapter; provided, that such a license or registration shall not  
33 preclude a conviction for the offense defined in subdivision three of  
34 section 265.01 of this article or section 265.01-a of this article.

35 7-f. Possession and use of a magazine, belt, feed strip or similar  
36 device, in the county of Kings, Queens, Richmond, New York or Bronx,  
37 that contains more than seven rounds of ammunition, but that does not  
38 have a capacity of or can readily be restored or converted to accept  
39 more than ten rounds of ammunition, at an indoor or outdoor firing range  
40 located in or on premises owned or occupied by a duly incorporated  
41 organization organized for conservation purposes or to foster proficien-  
42 cy in arms; at an indoor or outdoor firing range for the purpose of  
43 firing a rifle or shotgun; at a collegiate, olympic or target shooting  
44 competition under the auspices of or approved by the national rifle  
45 association; or at an organized match sanctioned by the International  
46 Handgun Metallic Silhouette Association.

47 § 25. The opening paragraph of section 265.36 of the penal law, as  
48 added by chapter 1 of the laws of 2013, is amended to read as follows:

49 It shall be unlawful for a person, in the county of Kings, Queens,  
50 Richmond, New York or Bronx, to knowingly possess a large capacity ammu-  
51 nition feeding device manufactured before September thirteenth, nineteen  
52 hundred ninety-four, and if such person lawfully possessed such large  
53 capacity feeding device before the effective date of [~~the~~] chapter one  
54 of the laws of two thousand thirteen which added this section, that has  
55 a capacity of, or that can be readily restored or converted to accept,  
56 more than ten rounds of ammunition.



§ 26. The opening paragraph of section 265.37 of the penal law, as amended by section 2 of part FF of chapter 57 of the laws of 2013, is amended to read as follows:

It shall be unlawful for a person to knowingly possess, in the county of Kings, Queens, Richmond, New York or Bronx, an ammunition feeding device where such device contains more than seven rounds of ammunition.

§ 27. The opening paragraph of section 265.45 of the penal law, as amended by section 3 of part FF of chapter 57 of the laws of 2013, is amended to read as follows:

No person, residing in the county of Kings, Queens, Richmond, New York or Bronx, who owns or is custodian of a rifle, shotgun or firearm who resides with an individual who such person knows or has reason to know is prohibited from possessing a firearm pursuant to 18 U.S.C. § 922(g)(1), (4), (8) or (9) shall store or otherwise leave such rifle, shotgun or firearm out of his or her immediate possession or control without having first securely locked such rifle, shotgun or firearm in an appropriate safe storage depository or rendered it incapable of being fired by use of a gun locking device appropriate to that weapon. For purposes of this section "safe storage depository" shall mean a safe or other secure container which, when locked, is incapable of being opened without the key, combination or other unlocking mechanism and is capable of preventing an unauthorized person from obtaining access to and possession of the weapon contained therein. With respect to a person who is prohibited from possessing a firearm pursuant to 18 USC § 922(g)(9), for purposes of this section, this section applies only if such person has been convicted of a crime included in subdivision one of section 370.15 of the criminal procedure law and such gun is possessed within five years from the later of the date of conviction or completion of sentence. Nothing in this section shall be deemed to affect, impair or supersede any special or local act relating to the safe storage of rifles, shotguns or firearms which impose additional requirements on the owner or custodian of such weapons.

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

1. Eligibility. No license shall be issued or renewed pursuant to this section except by the licensing officer, and then only after investigation and finding that all statements in a proper application for a license are true. No license shall be issued or renewed except for an applicant (a) twenty-one years of age or older, provided, however, that where such applicant has been honorably discharged from the United States army, navy, marine corps, air force or coast guard, or the national guard of the state of New York, no such age restriction shall apply; (b) of good moral character; (c) who has not been convicted anywhere of a felony or a serious offense; (d) who is not a fugitive from justice; (e) who is not an unlawful user of or addicted to any controlled substance as defined in section 21 U.S.C. 802; (f) who being an alien (i) is not illegally or unlawfully in the United States or (ii) has not been admitted to the United States under a nonimmigrant visa subject to the exception in 18 U.S.C. 922(y)(2); (g) who has not been discharged from the Armed Forces under dishonorable conditions; (h) who, having been a citizen of the United States, has not renounced his or her citizenship; (i) who has stated whether he or she has ever suffered any mental illness; (j) who, being a resident of the county of Kings, Queens, Richmond, New York or Bronx, has not been involuntarily committed to a facility under the jurisdiction of an office of the department of mental hygiene pursuant to article nine or fifteen of the mental

1 hygiene law, article seven hundred thirty or section 330.20 of the crim-  
2 inal procedure law, section four hundred two or five hundred eight of  
3 the correction law, section 322.2 or 353.4 of the family court act, or  
4 has not been civilly confined in a secure treatment facility pursuant to  
5 article ten of the mental hygiene law; (k) who has not had a license  
6 revoked or who is not under a suspension or ineligibility order issued  
7 pursuant to the provisions of section 530.14 of the criminal procedure  
8 law or section eight hundred forty-two-a of the family court act; (l) in  
9 the county of Westchester, who has successfully completed a firearms  
10 safety course and test as evidenced by a certificate of completion  
11 issued in his or her name and endorsed and affirmed under the penalties  
12 of perjury by a duly authorized instructor, except that: (i) persons who  
13 are honorably discharged from the United States army, navy, marine corps  
14 or coast guard, or of the national guard of the state of New York, and  
15 produce evidence of official qualification in firearms during the term  
16 of service are not required to have completed those hours of a firearms  
17 safety course pertaining to the safe use, carrying, possession, mainte-  
18 nance and storage of a firearm; and (ii) persons who were licensed to  
19 possess a pistol or revolver prior to the effective date of this para-  
20 graph are not required to have completed a firearms safety course and  
21 test; (m) who, being a resident of the county of Kings, Queens, Rich-  
22 mond, New York or Bronx, has not had a guardian appointed for him or her  
23 pursuant to any provision of state law, based on a determination that as  
24 a result of marked subnormal intelligence, mental illness, incapacity,  
25 condition or disease, he or she lacks the mental capacity to contract or  
26 manage his or her own affairs; and (n) concerning whom no good cause  
27 exists for the denial of the license. No person shall engage in the  
28 business of gunsmith or dealer in firearms unless licensed pursuant to  
29 this section. An applicant to engage in such business shall also be a  
30 citizen of the United States, more than twenty-one years of age and  
31 maintain a place of business in the city or county where the license is  
32 issued. For such business, if the applicant is a firm or partnership,  
33 each member thereof shall comply with all of the requirements set forth  
34 in this subdivision and if the applicant is a corporation, each officer  
35 thereof shall so comply.

36 § 29. Subdivisions 4, 5, 10, 11 and 12 of section 400.00 of the penal  
37 law, as amended by chapter 1 of the laws of 2013, are amended to read as  
38 follows:

39 4. Investigation. Before a license is issued or renewed, there shall  
40 be an investigation of all statements required in the application by the  
41 duly constituted police authorities of the locality where such applica-  
42 tion is made[, ~~including but not limited to such records as may be~~  
43 ~~accessible to the division of state police or division of criminal~~  
44 ~~justice services pursuant to section 400.02 of this article~~]. For that  
45 purpose, the records of the appropriate office of the department of  
46 mental hygiene concerning previous or present mental illness of the  
47 applicant shall be available for inspection by the investigating officer  
48 of the police authority. In order to ascertain any previous criminal  
49 record, the investigating officer shall take the fingerprints and phys-  
50 ical descriptive data in quadruplicate of each individual by whom the  
51 application is signed and verified. Two copies of such fingerprints  
52 shall be taken on standard fingerprint cards eight inches square, and  
53 one copy may be taken on a card supplied for that purpose by the federal  
54 bureau of investigation; provided, however, that in the case of a corpo-  
55 rate applicant that has already been issued a dealer in firearms license  
56 and seeks to operate a firearm dealership at a second or subsequent

1 location, the original fingerprints on file may be used to ascertain any  
2 criminal record in the second or subsequent application unless any of  
3 the corporate officers have changed since the prior application, in  
4 which case the new corporate officer shall comply with procedures  
5 governing an initial application for such license. When completed, one  
6 standard card shall be forwarded to and retained by the division of  
7 criminal justice services in the executive department, at Albany. A  
8 search of the files of such division and written notification of the  
9 results of the search to the investigating officer shall be made without  
10 unnecessary delay. Thereafter, such division shall notify the licensing  
11 officer and the executive department, division of state police, Albany,  
12 of any criminal record of the applicant filed therein subsequent to the  
13 search of its files. A second standard card, or the one supplied by the  
14 federal bureau of investigation, as the case may be, shall be forwarded  
15 to that bureau at Washington with a request that the files of the bureau  
16 be searched and notification of the results of the search be made to the  
17 investigating police authority. Of the remaining two fingerprint cards,  
18 one shall be filed with the executive department, division of state  
19 police, Albany, within ten days after issuance of the license, and the  
20 other remain on file with the investigating police authority. No such  
21 fingerprints may be inspected by any person other than a peace officer,  
22 who is acting pursuant to his special duties, or a police officer,  
23 except on order of a judge or justice of a court of record either upon  
24 notice to the licensee or without notice, as the judge or justice may  
25 deem appropriate. Upon completion of the investigation, the police  
26 authority shall report the results to the licensing officer without  
27 unnecessary delay.

28 5. Filing of approved applications. (a) The application for any  
29 license, if granted, shall be filed by the licensing officer with the  
30 clerk of the county of issuance, except that in the city of New York  
31 and, in the counties of Nassau and Suffolk, the licensing officer shall  
32 designate the place of filing in the appropriate division, bureau or  
33 unit of the police department thereof, and in the county of Suffolk the  
34 county clerk is hereby authorized to transfer all records or applica-  
35 tions relating to firearms to the licensing authority of that county.  
36 Except as provided in paragraphs (b) through (f) of this subdivision,  
37 the name and address of any person to whom an application for any  
38 license has been granted shall be a public record. Upon application by a  
39 licensee who has changed his place of residence such records or applica-  
40 tions shall be transferred to the appropriate officer at the licensee's  
41 new place of residence. A duplicate copy of such application shall be  
42 filed by the licensing officer in the executive department, division of  
43 state police, Albany, within ten days after issuance of the license. The  
44 superintendent of state police may designate that such application shall  
45 be transmitted to the division of state police electronically. In the  
46 event the superintendent of the division of state police determines that  
47 it lacks any of the records required to be filed with the division, it  
48 may request that such records be provided to it by the appropriate  
49 clerk, department or authority and such clerk, department or authority  
50 shall provide the division with such records. In the event such clerk,  
51 department or authority lacks such records, the division may request the  
52 license holder provide information sufficient to constitute such record  
53 and such license holder shall provide the division with such informa-  
54 tion. Such information shall be limited to the license holder's name,  
55 date of birth, gender, race, residential address, social security number  
56 and firearms possessed by said license holder. Nothing in this subdivi-

1 sion shall be construed to change the expiration date or term of such  
2 licenses if otherwise provided for in law. [~~Records assembled or~~  
3 ~~collected for purposes of inclusion in the database established by this~~  
4 ~~section shall be released pursuant to a court order. Records assembled~~  
5 ~~or collected for purposes of inclusion in the database created pursuant~~  
6 ~~to section 400.02 of this chapter shall not be subject to disclosure~~  
7 ~~pursuant to article six of the public officers law.~~]

8 (b) Each application for a license pursuant to paragraph (a) of this  
9 subdivision shall include, on a separate written form prepared by the  
10 division of state police within thirty days of the effective date of  
11 ~~the~~ chapter one of the laws of two thousand thirteen, which amended  
12 this section, and provided to the applicant at the same time and in the  
13 same manner as the application for a license, an opportunity for the  
14 applicant to request an exception from his or her application informa-  
15 tion becoming public record pursuant to paragraph (a) of this subdivi-  
16 sion. Such forms, which shall also be made available to individuals who  
17 had applied for or been granted a license prior to the effective date of  
18 ~~the~~ chapter one of the laws of two thousand thirteen which amended  
19 this section, shall notify applicants that, upon discovery that an  
20 applicant knowingly provided false information, such applicant may be  
21 subject to penalties pursuant to section 175.30 of this chapter, and  
22 further, that his or her request for an exception shall be null and  
23 void, provided that written notice containing such determination is  
24 provided to the applicant. Further, such forms shall provide each appli-  
25 cant an opportunity to specify the grounds on which he or she believes  
26 his or her application information should not be publicly disclosed.  
27 These grounds, which shall be identified on the application with a box  
28 beside each for checking, as applicable, by the applicant, shall be as  
29 follows:

30 (i) the applicant's life or safety may be endangered by disclosure  
31 because:

32 (A) the applicant is an active or retired police officer, peace offi-  
33 cer, probation officer, parole officer, or corrections officer;

34 (B) the applicant is a protected person under a currently valid order  
35 of protection;

36 (C) the applicant is or was a witness in a criminal proceeding involv-  
37 ing a criminal charge;

38 (D) the applicant is participating or previously participated as a  
39 juror in a criminal proceeding, or is or was a member of a grand jury;  
40 or

41 (E) the applicant is a spouse, domestic partner or household member of  
42 a person identified in this subparagraph or subparagraph (ii) of this  
43 paragraph, specifying which subparagraph or subparagraphs and clauses  
44 apply.

45 (ii) the applicant has reason to believe his or her life or safety may  
46 be endangered by disclosure due to reasons stated by the applicant.

47 (iii) the applicant has reason to believe he or she may be subject to  
48 unwarranted harassment upon disclosure of such information.

49 (c) Each form provided for recertification pursuant to paragraph (b)  
50 of subdivision ten of this section shall include an opportunity for the  
51 applicant to request an exception from the information provided on such  
52 form becoming public record pursuant to paragraph (a) of this subdivi-  
53 sion. Such forms shall notify applicants that, upon discovery that an  
54 applicant knowingly provided false information, such applicant may be  
55 subject to penalties pursuant to section 175.30 of this chapter, and  
56 further, that his or her request for an exception shall be null and

1 void, provided that written notice containing such determination is  
2 provided to the applicant. Further, such forms shall provide each appli-  
3 cant an opportunity to either decline to request the grant or continua-  
4 tion of an exception, or specify the grounds on which he or she believes  
5 his or her information should not be publicly disclosed. These grounds,  
6 which shall be identified in the application with a box beside each for  
7 checking, as applicable, by the applicant, shall be the same as provided  
8 in paragraph (b) of this subdivision.

9 (d) Information submitted on the forms described in paragraph (b) of  
10 this subdivision shall be excepted from disclosure and maintained by the  
11 entity retaining such information separate and apart from all other  
12 records.

13 (e) (i) Upon receiving a request for exception from disclosure, the  
14 licensing officer shall grant such exception, unless the request is  
15 determined to be null and void, pursuant to paragraph (b) or (c) of this  
16 subdivision.

17 (ii) A request for an exception from disclosure may be submitted at  
18 any time, including after a license or recertification has been granted.

19 (iii) If an exception is sought and granted pursuant to paragraph (b)  
20 of this subdivision, the application information shall not be public  
21 record, unless the request is determined to be null and void. If an  
22 exception is sought and granted pursuant to paragraph (c) of this subdivi-  
23 sion, the information concerning such recertification application  
24 shall not be public record, unless the request is determined to be null  
25 and void.

26 (f) The information of licensees or applicants for a license shall not  
27 be disclosed to the public during the first one hundred twenty days  
28 following the effective date of [~~the~~] chapter one of the laws of two  
29 thousand thirteen, which amended this section. After such period, the  
30 information of those who had applied for or been granted a license prior  
31 to the preparation of the form for requesting an exception, pursuant to  
32 paragraph (b) of this subdivision, may be released only if such individ-  
33 uals did not file a request for such an exception during the first sixty  
34 days following such preparation; provided, however, that no information  
35 contained in an application for licensure or recertification shall be  
36 disclosed by an entity that has not completed processing any such  
37 requests received during such sixty days.

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

47 10. License: expiration, certification and renewal. (a) Any license  
48 for gunsmith or dealer in firearms and, in the city of New York, any  
49 license to carry or possess a pistol or revolver, issued at any time  
50 pursuant to this section or prior to the first day of July, nineteen  
51 hundred sixty-three and not limited to expire on an earlier date fixed  
52 in the license, shall expire not more than three years after the date of  
53 issuance. In the counties of Nassau, Suffolk and Westchester, any  
54 license to carry or possess a pistol or revolver, issued at any time  
55 pursuant to this section or prior to the first day of July, nineteen  
56 hundred sixty-three and not limited to expire on an earlier date fixed



1 in the license, shall expire not more than five years after the date of  
2 issuance; however, in the county of Westchester, any such license shall  
3 be certified prior to the first day of April, two thousand, in accord-  
4 ance with a schedule to be contained in regulations promulgated by the  
5 commissioner of the division of criminal justice services, and every  
6 such license shall be recertified every five years thereafter. For  
7 purposes of this section certification shall mean that the licensee  
8 shall provide to the licensing officer the following information only:  
9 current name, date of birth, current address, and the make, model, cali-  
10 ber and serial number of all firearms currently possessed. Such certifi-  
11 cation information shall be filed by the licensing officer in the same  
12 manner as an amendment. Elsewhere than in the city of New York and the  
13 counties of Nassau, Suffolk and Westchester, any license to carry or  
14 possess a pistol or revolver, issued at any time pursuant to this  
15 section or prior to the first day of July, nineteen hundred sixty-three  
16 and not previously revoked or cancelled, shall be in force and effect  
17 until revoked as herein provided. Any license not previously cancelled  
18 or revoked shall remain in full force and effect for thirty days beyond  
19 the stated expiration date on such license. Any application to renew a  
20 license that has not previously expired, been revoked or cancelled shall  
21 thereby extend the term of the license until disposition of the applica-  
22 tion by the licensing officer. In the case of a license for gunsmith or  
23 dealer in firearms, in counties having a population of less than two  
24 hundred thousand inhabitants, photographs and fingerprints shall be  
25 submitted on original applications and upon renewal thereafter only at  
26 six year intervals. Upon satisfactory proof that a currently valid  
27 original license has been despoiled, lost or otherwise removed from the  
28 possession of the licensee and upon application containing an additional  
29 photograph of the licensee, the licensing officer shall issue a dupli-  
30 cate license.

31 (b) All licensees shall be recertified to the division of state police  
32 every five years thereafter. Any license to such a licensee issued  
33 before the effective date of ~~[the]~~ chapter one of the laws of two thou-  
34 sand thirteen which added this paragraph shall be recertified by the  
35 licensee on or before January thirty-first, two thousand eighteen, and  
36 not less than one year prior to such date, the division of state police  
37 shall send a notice to all such license holders who have not recertified  
38 by such time. Such recertification shall be in a form as approved by the  
39 superintendent of state police, which shall request the license holder's  
40 name, date of birth, gender, race, residential address, social security  
41 number, firearms possessed by such license holder, email address at the  
42 option of the license holder and an affirmation that such license holder  
43 is not prohibited from possessing firearms. The form may be in an elec-  
44 tronic form if so designated by the superintendent of state police.  
45 Failure to recertify shall act as a revocation of such license. If the  
46 ~~[New York]~~ division of state police ~~[discover]~~ discovers as a result of  
47 the recertification process that a licensee failed to provide a change  
48 of address, the ~~[New York]~~ division of state police shall not require  
49 the licensing officer to revoke such license.

50 11. License: revocation and suspension. (a) The conviction of a licen-  
51 see anywhere of a felony or serious offense ~~[or a licensee at any time~~  
52 ~~becoming ineligible to obtain a license under this section]~~ shall oper-  
53 ate as a revocation of the license. A license may be revoked or  
54 suspended as provided for in section 530.14 of the criminal procedure  
55 law or section eight hundred forty-two-a of the family court act. Except  
56 for a license issued pursuant to section 400.01 of this article, a

1 license may be revoked and cancelled at any time in the city of New  
2 York, and in the counties of Nassau and Suffolk, by the licensing offi-  
3 cer, and elsewhere than in the city of New York by any judge or justice  
4 of a court of record; a license issued pursuant to section 400.01 of  
5 this article may be revoked and cancelled at any time by the licensing  
6 officer or any judge or justice of a court of record. The official  
7 revoking a license shall give written notice thereof without unnecessary  
8 delay to the executive department, division of state police, Albany, and  
9 shall also notify immediately the duly constituted police authorities of  
10 the locality.

11 (b) Whenever the director of community services in the counties of  
12 Kings, Queens, Richmond, New York and Bronx, or his or her designee  
13 makes a report pursuant to section 9.46 of the mental hygiene law, the  
14 division of criminal justice services shall convey such information,  
15 whenever it determines that the person named in the report possesses a  
16 license issued pursuant to this section, to the appropriate licensing  
17 official, who shall issue an order suspending or revoking such license.

18 (c) In any instance in which a person's license is suspended or  
19 revoked under paragraph (a) or (b) of this subdivision, such person  
20 shall surrender such license to the appropriate licensing official and  
21 any and all firearms, rifles, or shotguns owned or possessed by such  
22 person shall be surrendered to an appropriate law enforcement agency as  
23 provided in subparagraph (f) of paragraph one of subdivision a of  
24 section 265.20 of this chapter. In the event such license, firearm,  
25 shotgun, or rifle is not surrendered, such items shall be removed and  
26 declared a nuisance and any police officer or peace officer acting  
27 pursuant to his or her special duties is authorized to remove any and  
28 all such weapons.

29 12. Records required of gunsmiths and dealers in firearms. Any person  
30 licensed as gunsmith or dealer in firearms shall keep a record book  
31 approved as to form, except in the city of New York, by the superinten-  
32 dent of state police. In the record book shall be entered at the time of  
33 every transaction involving a firearm the date, name, age, occupation  
34 and residence of any person from whom a firearm is received or to whom a  
35 firearm is delivered, and the calibre, make, model, manufacturer's name  
36 and serial number, or if none, any other distinguishing number or iden-  
37 tification mark on such firearm. Before delivering a firearm to any  
38 person, the licensee shall require him to produce either a license valid  
39 under this section to carry or possess the same, or proof of lawful  
40 authority as an exempt person pursuant to section 265.20. In addition,  
41 before delivering a firearm to a peace officer, the licensee shall veri-  
42 fy that person's status as a peace officer with the division of state  
43 police. After completing the foregoing, the licensee shall remove and  
44 retain the attached coupon and enter in the record book the date of such  
45 license, number, if any, and name of the licensing officer, in the case  
46 of the holder of a license to carry or possess, or the shield or other  
47 number, if any, assignment and department, unit or agency, in the case  
48 of an exempt person. The original transaction report shall be forwarded  
49 to the division of state police within ten days of delivering a firearm  
50 to any person, and a duplicate copy shall be kept by the licensee. The  
51 superintendent of state police may designate that such record shall be  
52 completed and transmitted in electronic form. A dealer may be granted a  
53 waiver from transmitting such records in electronic form if the super-  
54 intendent determines that such dealer is incapable of such transmission  
55 due to technological limitations that are not reasonably within the  
56 control of the dealer, or other exceptional circumstances demonstrated

1 by the dealer, pursuant to a process established in regulation, and at  
2 the discretion of the superintendent. [~~Records assembled or collected~~  
3 ~~for purposes of inclusion in the database created pursuant to section~~  
4 ~~400.02 of this article shall not be subject to disclosure pursuant to~~  
5 ~~article six of the public officers law.~~] The record book shall be main-  
6 tained on the premises mentioned and described in the license and shall  
7 be open at all reasonable hours for inspection by any peace officer,  
8 acting pursuant to his special duties, or police officer. In the event  
9 of cancellation or revocation of the license for gunsmith or dealer in  
10 firearms, or discontinuance of business by a licensee, such record book  
11 shall be immediately surrendered to the licensing officer in the city of  
12 New York, and in the counties of Nassau and Suffolk, and elsewhere in  
13 the state to the executive department, division of state police.

14 § 30. Subdivision 16-a of section 400.00 of the penal law, as added by  
15 chapter 1 of the laws of 2013, paragraph (a-1) as added by chapter 98 of  
16 the laws of 2013, is amended to read as follows:

17 16-a. Registration. (a) An owner of a weapon defined in paragraph (e)  
18 or (f) of subdivision twenty-two of section 265.00 of this chapter, who  
19 resides in the county of Kings, Queens, Richmond, New York or Bronx,  
20 possessed before the date of the effective date of [~~the~~] chapter one of  
21 the laws of two thousand thirteen which added this paragraph, must make  
22 an application to register such weapon with the superintendent of state  
23 police, in the manner provided by the superintendent, or by amending a  
24 license issued pursuant to this section within one year of the effective  
25 date of this subdivision except any weapon defined under subparagraph  
26 (vi) of paragraph (g) of subdivision twenty-two of section 265.00 of  
27 this chapter transferred into the state may be registered at any time,  
28 provided such weapons are registered within thirty days of their trans-  
29 fer into the state. Registration information shall include the regis-  
30 trant's name, date of birth, gender, race, residential address, social  
31 security number and a description of each weapon being registered. A  
32 registration in the county of Kings, Queens, Richmond, New York or  
33 Bronx, of any weapon defined under subparagraph (vi) of paragraph (g) of  
34 subdivision twenty-two of section 265.00 or a feeding device as defined  
35 under subdivision twenty-three of section 265.00 of this chapter shall  
36 be transferable, provided that the seller notifies the division of state  
37 police within seventy-two hours of the transfer and the buyer provides  
38 the division of state police with information sufficient to constitute a  
39 registration under this section. Such registration shall not be valid if  
40 such registrant is prohibited or becomes prohibited from possessing a  
41 firearm pursuant to state or federal law. The superintendent shall  
42 determine whether such registrant is prohibited from possessing a  
43 firearm under state or federal law. Such check shall be limited to  
44 determining whether the factors in 18 USC 922 (g) apply or whether a  
45 registrant has been convicted of a serious offense as defined in subdi-  
46 vision sixteen-b of section 265.00 of this chapter, so as to prohibit  
47 such registrant from possessing a firearm, and whether a report has been  
48 issued pursuant to section 9.46 of the mental hygiene law. [~~All~~] Such  
49 registrants shall recertify to the division of state police every five  
50 years thereafter. Failure to recertify shall result in a revocation of  
51 such registration.

52 (a-1) Notwithstanding any inconsistent provisions of paragraph (a) of  
53 this subdivision, an owner, who resides in the county of Kings, Queens,  
54 Richmond, New York or Bronx, of an assault weapon as defined in subdivi-  
55 sion twenty-two of section 265.00 of this chapter, who is a qualified  
56 retired New York or federal law enforcement officer as defined in subdivi-

vision twenty-five of section 265.00 of this chapter, where such weapon was issued to or purchased by such officer prior to retirement and in the course of his or her official duties, and for which such officer was qualified by the agency that employed such officer within twelve months prior to his or her retirement, must register such weapon within sixty days of retirement.

(b) The superintendent of state police shall create and maintain an internet website to educate the public, who reside in the county of Kings, Queens, Richmond, New York or Bronx, as to which semiautomatic rifle, semiautomatic shotgun or semiautomatic pistol or weapon that are illegal as a result of the enactment of ~~[the]~~ chapter one of the laws of two thousand thirteen which added this paragraph, as well as such assault weapons which are illegal pursuant to article two hundred sixty-five of this chapter. Such website shall contain information to assist ~~[the]~~ such public in recognizing the relevant features proscribed by such article two hundred sixty-five, as well as which make and model of weapons that require registration.

(c) A person, who resides in the county of Kings, Queens, Richmond, New York or Bronx, who knowingly fails to apply to register such weapon, as required by this section, within one year of the effective date of ~~[the]~~ chapter one of the laws of two thousand thirteen which added this paragraph shall be guilty of a class A misdemeanor and such person who unknowingly fails to validly register such weapon within such one year period shall be given a warning by an appropriate law enforcement authority about such failure and given thirty days in which to apply to register such weapon or to surrender it. A failure to apply or surrender such weapon within such thirty-day period shall result in such weapon being removed by an appropriate law enforcement authority and declared a nuisance.

§ 31. Section 400.02 of the penal law is REPEALED.

§ 32. Section 400.03 of the penal law, as added by chapter 1 of the laws of 2013, is amended to read as follows:

§ 400.03 Sellers of ammunition.

1. A seller of ammunition as defined in subdivision twenty-four of section 265.00 of this chapter doing business in the county of Kings, Queens, Richmond, New York or Bronx, shall register with the superintendent of state police in a manner provided by the superintendent. Any dealer in firearms that is validly licensed pursuant to section 400.00 of this article shall not be required to complete such registration.

2. Any seller of ammunition or dealer in firearms doing business in the county of Kings, Queens, Richmond, New York or Bronx, shall keep a record book approved as to form by the superintendent of state police. In the record book shall be entered at the time of every transaction involving ammunition the date, name, age, occupation and residence of any person from whom ammunition is received or to whom ammunition is delivered, and the amount, calibre, manufacturer's name and serial number, or if none, any other distinguishing number or identification mark on such ammunition. The record book shall be maintained on the premises mentioned and described in the license and shall be open at all reasonable hours for inspection by any peace officer, acting pursuant to his or her special duties, or police officer. Any record produced pursuant to this section and any transmission thereof to any government agency shall not be considered a public record for purposes of article six of the public officers law.

~~3. [No later than thirty days after the superintendent of the state police certifies that the statewide license and record database estab-~~

~~lished pursuant to section 400.02 of this article is operational for the purposes of this section, a]~~ A dealer in firearms licensed pursuant to section 400.00 of this article, a seller of ammunition as defined in subdivision twenty-four of section 265.00 of this chapter doing business in the county of Kings, Queens, Richmond, New York or Bronx, shall not transfer any ammunition to any other person who is not a dealer in firearms as defined in subdivision nine of such section 265.00 or a seller of ammunition as defined in subdivision twenty-four of section 265.00 of this chapter, unless:

(a) before the completion of the transfer, the licensee or seller contacts the ~~[statewide license and record database]~~ superintendent of state police and provides the ~~[database]~~ superintendent with information sufficient to identify such dealer or seller, transferee based on information on the transferee's identification document as defined in paragraph (c) of this subdivision, as well as the amount, calibre, manufacturer's name and serial number, if any, of such ammunition;

(b) the ~~[system]~~ superintendent provides the licensee or seller with a unique identification number; and

(c) the transferor has verified the identity of the transferee by examining a valid state identification document of the transferee issued by the department of motor vehicles or if the transferee is not a resident of the state of New York, a valid identification document issued by the transferee's state or country of residence containing a photograph of the transferee.

4. If the ~~[database]~~ superintendent of state police determines that the purchaser of ammunition is eligible to possess ammunition pursuant to state and federal laws, ~~[the system]~~ he or she shall:

(a) assign a unique identification number to the transfer; and

(b) provide the licensee or seller with the number.

5. If the ~~[statewide license and record database]~~ superintendent of state police notifies the licensee or seller that the information available ~~[to the database]~~ does not demonstrate that the receipt of ammunition by such other person would violate 18 U.S.C. 922(g) or state law, and the licensee transfers ammunition to such other person, the licensee shall indicate to the ~~[database]~~ superintendent that such transaction has been completed at which point a record of such transaction shall be created which shall be accessible by the division of state police and maintained for no longer than one year from point of purchase~~[, which shall not be incorporated into the database established pursuant to section 400.02 of this article or the registry established pursuant to subdivision sixteen-a of section 400.00 of this article]~~. The division

of state police may share such information with a local law enforcement agency. Evidence of the purchase of ammunition is not sufficient to establish probable cause to believe that the purchaser has committed a crime absent other information tending to prove the commission of a crime. Records assembled or accessed pursuant to this section shall not be subject to disclosure pursuant to article six of the public officers law. This requirement of this section shall not apply (i) if a background check cannot be completed because the system is not operational as determined by the superintendent of state police, or where it cannot be accessed by the practitioner due to a temporary technological or electrical failure, as set forth in regulation, or (ii) a dealer or seller has been granted a waiver from conducting such background check if the superintendent of state police determines that such dealer is incapable of such check due to technological limitations that are not reasonably within the control of the dealer, or other exceptional



1 circumstances demonstrated by the dealer, pursuant to a process estab-  
2 lished in regulation, and at the discretion of such superintendent.

3 6. If the superintendent of state police certifies that background  
4 checks of ammunition purchasers in the county of Kings, Queens, Rich-  
5 mond, New York or Bronx may be conducted through the national instant  
6 criminal background check system, use of that system by a dealer or  
7 seller shall be sufficient to satisfy subdivisions four and five of this  
8 section and such checks shall be conducted through such system, provided  
9 that a record of such transaction shall be forwarded to the state police  
10 in a form determined by the superintendent.

11 7. No commercial transfer of ammunition shall take place in the county  
12 of Kings, Queens, Richmond, New York or Bronx unless a licensed dealer  
13 in firearms or registered seller of ammunition acts as an intermediary  
14 between the transferor and the ultimate transferee of the ammunition for  
15 the purposes of contacting the statewide license and record database  
16 pursuant to this section. Such transfer between the dealer or seller,  
17 and transferee must occur in person.

18 8. A seller of ammunition who fails to register pursuant to this  
19 section and sells ammunition, for a first offense, shall be guilty of a  
20 violation and subject to the fine of one thousand dollars and for a  
21 second offense, shall be guilty of a class A misdemeanor.

22 A seller of ammunition that fails to keep any record required pursuant  
23 to this section, for a first offense shall be guilty of a violation and  
24 subject to a fine of five hundred dollars, and for a second offense  
25 shall be guilty of a class B misdemeanor, and the registration of such  
26 seller shall be revoked.

27 § 33. Paragraph (a) of subdivision 1 and subdivision 3 of section  
28 400.10 of the penal law, as amended by chapter 1 of the laws of 2013,  
29 are amended to read as follows:

30 (a) Any owner or other person lawfully in possession of: (i) a  
31 firearm, rifle or[7] shotgun who suffers the loss or theft of said weap-  
32 on; (ii) in the county of Kings, Queens, Richmond, New York or Bronx,  
33 ammunition as well as a firearm, rifle or shotgun who suffers the loss  
34 or theft of such ammunition as well as a firearm, rifle or shotgun; or  
35 (iii) in the county of Kings, Queens, Richmond, New York or Bronx, ammu-  
36 nition and is a dealer in firearms or seller of ammunition who suffers  
37 the loss or theft of such ammunition shall within twenty-four hours of  
38 the discovery of the loss or theft report the facts and circumstances of  
39 the loss or theft to a police department or sheriff's office.

40 3. Notwithstanding any other provision of law, a violation of para-  
41 graph (a) of subdivision one of this section shall be [~~a class A misde-~~  
42 ~~meanor~~] punishable only by a fine not to exceed one hundred dollars.

43 § 34. Section 2509 of the surrogate's court procedure act, as added by  
44 chapter 1 of the laws of 2013, is amended to read as follows:

45 § 2509. Firearms inventory

46 Whenever, by regulation, rule or statute, a fiduciary or attorney of  
47 record in the county of Kings, Queens, Richmond, New York or Bronx must  
48 file a list of assets constituting a decedent's estate, such list must  
49 include a particularized description of every firearm, shotgun and  
50 rifle, as such terms are defined in section 265.00 of the penal law,  
51 that are part of such estate. Such list must be filed with the surro-  
52 gate's court in the county in which the estate proceeding, if any, is  
53 pending and a copy must be filed with the division of criminal justice  
54 services.

55 § 35. This act shall take effect immediately.