

# STATE OF NEW YORK

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837--A

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

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Introduced by M. of A. PAULIN, RAMOS, ENGLEBRIGHT, L. ROSENTHAL, ABINANTI, COLTON, DINOWITZ, STECK, SEAWRIGHT, FAHY -- Multi-Sponsored by -- M. of A. GOTTFRIED, MAGNARELLI -- read once and referred to the Committee on Economic Development -- recommitted to the Committee on Economic Development in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law and the penal law, in relation to preventing the unlawful sale of firearms, rifles, and shotguns to individuals with a criminal record

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

1 Section 1. Legislative findings and declaration. The legislature hereby finds and declares as follows:

2  
3 1. Firearms, rifles and shotguns are used to kill almost 40,000 individuals in the United States every year, including 800 individuals in New York state alone. Additionally, there are 115,000 non-fatal injuries across the country. The federal government has largely ignored this public health crisis and has left it up to state and local governments to protect its citizens. Firearm violence also costs billions of dollars and causes incalculable emotional damage, devastating families and communities throughout the country. Therefore, the state of New York has a strong interest in reducing violence and crimes that involve the use of firearms and the illegal trafficking of firearms. Illegal guns obtained throughout the state end up in the hands of individuals with a criminal record, youth and individuals with a history of violence who use them to threaten, maim and kill.

16 2. There is a thriving underground market for illegal firearms, which is leading to shootings that are disproportionately impacting under-resourced Black and Brown communities. A highly efficient and continuous

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

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1 business practice exists in which firearms are moved from legal manufac-  
2 ture and sale to prohibited purchasers, making them illegal firearms.  
3 According to a recent report of the New York state attorney general,  
4 52,915 crime guns were recovered by law enforcement in New York between  
5 2010-2015. Target on Trafficking, New York Crime Gun Analysis, October  
6 2016 ("2016 AG Report"). Of these crime guns, 13,188 or 24.9% were long  
7 guns. Outside New York City, long guns are sold without a permit. The  
8 2016 AG Report further found that 90% of the crime guns recovered were  
9 recovered in seven distinct markets: New York City, the lower Hudson  
10 Valley (including the cities of Yonkers, White Plains, Newburgh and  
11 Poughkeepsie), the Capital Region (including Albany, Troy and Schenecta-  
12 dy), Syracuse, Rochester and Buffalo. 74% of the crime guns recovered  
13 were from out of state. Yet a significant portion of guns involved in  
14 crimes upstate originate within the state. For example, according to the  
15 2016 AG Report, 41% of crime guns in the Buffalo area and 56% of crime  
16 guns in the Rochester area originated within New York state.

17 3. Youth are particularly at risk of being killed with guns. Accord-  
18 ing to the Centers for Disease Control and Prevention, in 2019 alone, 40  
19 children and teens (under the age of 19) died from gun violence in New  
20 York state.

21 4. A substantial portion of illegal firearms are diverted to the ille-  
22 gal market through licensed gun dealers. Rogue gun dealers play a key  
23 role in this market. These rogue dealers funnel guns to the illegal  
24 market through a variety of channels. One of the most common means is to  
25 allow "straw purchases". A straw purchase occurs when a person purchases  
26 a gun on behalf of a prohibited person. In 2000, the Bureau of Alcohol,  
27 Tobacco, Firearms, and Explosives (ATF) conducted an investigation of  
28 gun trafficking from July 1996 to December 1998 and found that almost  
29 26,000 trafficked firearms were associated with investigations in which  
30 there was a straw purchaser. Almost 50% of all trafficking investi-  
31 gations involved straw purchasers, with an average of 37 firearms traf-  
32 ficked per investigation. Another issue, according to a 2008 report by  
33 Mayors Against Illegal Guns, Inside Straw Purchasing: How Criminals Get  
34 Guns Illegally, is that many traffickers return to the same store again  
35 and again once they have identified it as one in which they can make  
36 straw purchases easily. According to the ATF, 1% of gun dealers are the  
37 source of almost 60% of crime guns. Although ATF has not since released  
38 an updated report on straw purchases, a 2019 University of Chicago study  
39 found that, of those incarcerated for a gun-related crime, 58% acquired  
40 their gun from a friend or acquaintance.

41 5. Although most gun dealers operate their businesses legally and  
42 responsibly, some gun dealers who are corrupt or maintain shoddy record-  
43 keeping practices flood the streets with illegal weapons as a result of  
44 their unrestricted access to new gun inventory and the unwillingness of  
45 gun manufacturers to terminate their supply to these rogue dealers.  
46 Current federal and state regulation has not curbed the business prac-  
47 tice of illegal gun dealers. According to a 2004 study by Americans for  
48 Gun Safety, of the 120 worst gun dealers in the country, namely those  
49 dealers with an average of 500 crime guns traced to them, 96 were still  
50 in operation.

51 6. Moreover, this problem is not limited to unlicensed sellers, and  
52 clearly includes federal firearms licensees (FFLs). Indeed, although  
53 FFLs were involved in under 10% of the trafficking investigations under-  
54 taken by ATF, they were associated with the largest number of diverted  
55 firearms--over 40,000 guns, which is nearly half of the total number of  
56 trafficked firearms documented during the two-year period of the ATF's

1 investigation. Additionally, a 2010 report by Mayors Against Illegal  
2 Guns indicated that several states which allow state authorities to  
3 supplement the federal ATF inspection with routine inspections provide  
4 law enforcement with more opportunities to uncover dealers in violation  
5 of the law. These inspections also help identify dealers who exercise  
6 lax oversight over their inventory and may lead to improved compliance  
7 with federal, state, and local laws.

8 7. Current state law governing firearm dealers is inadequate to  
9 prevent the diversion of firearms to the illegal marketplace. Addi-  
10 tional protections that are needed include, but are not limited to,  
11 better gun dealer internal compliance procedures, programs to eliminate  
12 straw purchases, improved security measures, reducing youth access, and  
13 mandatory training for gun dealer employees. The additional protections  
14 set forth in this act will greatly enhance the state's efforts to reduce  
15 criminal activity in the state.

16 § 2. The general business law is amended by adding a new article 39-BB  
17 to read as follows:

18 ARTICLE 39-BB

19 PREVENTING THE UNLAWFUL SALE OF FIREARMS,  
20 RIFLES, AND SHOTGUNS TO INDIVIDUALS WITH A CRIMINAL RECORD

21 Section 875-a. Definitions.

22 875-b. Reasonable measures to prevent unlawful sales and trans-  
23 fers to individuals with a criminal record.

24 875-c. Security.

25 875-d. Access to firearms, rifles, and shotguns.

26 875-e. Location of firearm, rifle, and shotgun sales.

27 875-f. Employee training.

28 875-g. Maintenance of records.

29 875-h. Internal compliance and certification.

30 875-i. Rules and regulations.

31 875-j. Violations.

32 § 875-a. Definitions. For the purposes of this article:

33 1. "Dealer" means a gunsmith or dealers in firearms licensed pursuant  
34 to section 400.00 of the penal law.

35 2. "Dispose of" means to dispose of, give, give away, lease, lend,  
36 keep for sale, offer, offer for sale, sell, transfer, or otherwise  
37 dispose of.

38 3. "Firearm" has the same meaning as that term is defined in subdivi-  
39 sion three of section 265.00 of the penal law.

40 4. "Firearm exhibitor" means any person, firm, partnership, corpo-  
41 ration, or company that exhibits, sells, offers for sale, transfers, or  
42 exchanges firearms, rifles, or shotguns at a gun show.

43 5. "Rifle" has the same meaning as that term is defined in subdivision  
44 eleven of section 265.00 of the penal law.

45 6. "Shotgun" has the same meaning as that term is defined in subdivi-  
46 sion twelve of section 265.00 of the penal law.

47 7. "Straw purchase" means the purchase, or attempt to purchase, by a  
48 person of a firearm, rifle, shotgun or ammunition for, on behalf of, or  
49 for the use of another person known or unknown. The term shall not  
50 include a bona fide gift to a person who is not prohibited from possess-  
51 ing or receiving such a firearm. For purposes of the preceding sentence,  
52 a gift to a person is not a bona fide gift if the person has offered or  
53 given the purchaser a service or thing of value to acquire the firearm  
54 for the person.

55 8. "Straw purchaser" means a person who purchases or attempts to  
56 purchase a firearm, rifle, shotgun or ammunition for, on behalf of, or

1 for the use of such other person known or unknown, other than as a bona  
2 fide gift.

3 9. "Superintendent" means the superintendent of state police.

4 § 875-b. Reasonable measures to prevent unlawful sales and transfers  
5 to individuals with a criminal record. 1. Every dealer shall adopt  
6 reasonable measures to prevent firearms, rifles, and shotguns from being  
7 diverted from the legal stream of commerce, intentionally or otherwise,  
8 for later sale, transfer, or disposal to individuals not legally enti-  
9 tled to purchase or possess such weapons. Such measures shall include,  
10 but need not be limited to, programs to eliminate sales to straw  
11 purchasers and to otherwise thwart illegal gun trafficking. The super-  
12 intendent shall develop programs designed to eliminate sales to straw  
13 purchasers and to otherwise thwart illegal gun trafficking. Within six  
14 months of the effective date of this article, the superintendent shall  
15 submit a report to the legislature detailing such programs, including  
16 establishing minimum requirements for such programs.

17 2. Every dealer shall carry insurance coverage against liability for  
18 damage to property and for injury to or death of any person as a result  
19 of the sale, delivery, lease, or transfer of a firearm, rifle, or shot-  
20 gun in amounts appropriate to its level of sales, but no less than one  
21 million dollars for each incident of damage, injury, or death.

22 § 875-c. Security. 1. Every dealer shall implement a security plan  
23 for securing firearms, rifles and shotguns, including firearms, rifles  
24 and shotguns in shipment. The plan must satisfy at least the following  
25 requirements:

26 (a) display cases shall be locked at all times except when removing a  
27 single firearm, rifle or shotgun to show a customer, and customers shall  
28 handle firearms, rifles or shotguns only under the direct supervision of  
29 an employee;

30 (b) all firearms, rifles and shotguns shall be secured, other than  
31 during business hours, in a locked fireproof safe or vault in the  
32 licensee's business premises or in a similar secured and locked area;  
33 and

34 (c) ammunition shall be stored separately from the firearms, rifles  
35 and shotguns and out of reach of the customers.

36 2. (a) The permitted business location shall be secured by an alarm  
37 system that is installed and maintained by an alarm company operator  
38 properly licensed pursuant to state law. The alarm system must be moni-  
39 tored by a central station listed by Underwriters Laboratories, Inc.,  
40 and covered by an active Underwriters Laboratories, Inc. alarm system  
41 certificate with a #3 extent of protection. The permitted business  
42 shall be equipped with a video recording device at each point of sale  
43 and entrance and exits to the premises, which shall be recorded from  
44 both the indoor and outdoor vantage point and shall maintain such  
45 recordings for a period of not less than two years.

46 (b) Underwriters Laboratories, Inc. uses the term "extent of  
47 protection" to refer to the amount of alarm protection installed to  
48 protect a particular area, room or container. Systems with a #3 extent  
49 of protection include complete protection for all accessible openings,  
50 and partial motion and sound detection at certain other areas of the  
51 premises. More information may be found in: Central Station Alarm Asso-  
52 ciation, A Practical Guide to Central Station Burglar Alarm Systems (3rd  
53 ed. 2005).

54 § 875-d. Access to firearms, rifles, and shotguns. Every retail dealer  
55 shall exclude all persons under eighteen years of age from those  
56 portions of its premises where firearms, rifles, shotguns, or ammunition

1 are stocked or sold, unless such person is accompanied by a parent or  
2 guardian.

3 § 875-e. Location of firearm, rifle, and shotgun sales. Every dealer  
4 shall sell or otherwise dispose of firearms, rifles, and shotguns only  
5 at the location listed on the dealer's federal firearms license or at  
6 gun shows.

7 § 875-f. Employee training. 1. Every dealer shall annually provide  
8 the training outlined by the superintendent pursuant to subdivision two  
9 of this section to all new and current employees and other personnel  
10 engaged in the retail sale of firearms, rifles, and shotguns. Dealers  
11 shall keep a record of the completion of this training which may be  
12 requested as part of the certification process outlined in paragraph (b)  
13 of subdivision one of section eight hundred seventy-five-h of this arti-  
14 cle.

15 2. The superintendent shall develop and make available to each  
16 licensed dealer, a training course in the conduct of firearm transfers  
17 including at a minimum the following:

18 (a) Federal and state laws governing firearm, rifle, and shotgun  
19 transfers.

20 (b) How to recognize, identify, respond, and report straw purchases,  
21 illegal purchases, and fraudulent activity.

22 (c) How to recognize, identify, respond, and report an individual that  
23 intends to use a firearm for unlawful purposes, including self-harm.

24 (d) How to prevent, respond, and report theft or burglary of firearms  
25 and ammunition.

26 (e) How to educate customers on rules of gun safety, including but not  
27 limited to the safe handling and storage of firearms, rifles, and shot-  
28 guns.

29 (f) Such other topics the superintendent deems necessary and appropri-  
30 ate.

31 3. No employee or agent of any retail dealer shall participate in the  
32 sale or disposition of firearms, rifles, or shotguns unless such person  
33 is at least twenty-one years of age and has first received the training  
34 required by this section. The superintendent shall promulgate regu-  
35 lations setting forth minimum requirements for the maintenance of  
36 records of such training.

37 § 875-g. Maintenance of records. Every dealer shall establish and  
38 maintain a book, or if the dealer should choose, electronic-based record  
39 of such purchase, sale, inventory, and other records at the dealer's  
40 place of business in such form and for such period as the superintendent  
41 shall require, and shall submit a copy of such records to the New York  
42 state police every April and October. Such records shall at a minimum  
43 include the following:

44 1. the make, model, caliber or gauge, manufacturer's name, and serial  
45 number of all rifles and shotguns that are acquired or disposed of not  
46 later than one business day after their acquisition or disposition.  
47 Monthly backups of these records kept in a book shall be maintained in a  
48 secure container designed to prevent loss by fire, theft, or other mish-  
49 ap. If the dealer chooses to maintain an electronic-based record  
50 system, those records must be backed up on an external server or over  
51 the internet at the close of each business day;

52 2. all rifles and shotguns acquired but not yet disposed of must be  
53 accounted for through an inventory check prepared once each month and  
54 maintained in a secure location;

55 3. rifle and shotgun disposition information, including the serial  
56 numbers of rifles and shotguns sold, dates of sale, and identity of

1 purchasers, shall be maintained and made available at any time to  
2 government law enforcement agencies and to the manufacturer of the weap-  
3 on or its designee; and

4 4. every dealer shall maintain records of criminal rifle and shotgun  
5 traces initiated by the federal bureau of alcohol, tobacco, firearms and  
6 explosives ("ATF"). All ATF Form 4473 transaction records shall be  
7 retained on the dealer's business premises in a secure container  
8 designed to prevent loss by fire, theft, or other mishap.

9 § 875-h. Internal compliance and certification. 1. Every dealer shall:

10 (a) implement and maintain sufficient internal compliance procedures  
11 to ensure compliance with the requirements of this article and all  
12 applicable federal, state, and local laws and regulations governing the  
13 sale, transfer, and disposal of firearms, rifles, and shotguns; and

14 (b) annually certify to the superintendent that such dealer has  
15 complied with all of the requirements of this article. The superinten-  
16 dent shall by regulation determine the form and content of such annual  
17 certification.

18 2. The superintendent shall promulgate regulations establishing peri-  
19 odic inspections of not less than one inspection of every dealer every  
20 three years, during regular and usual business hours, by the division of  
21 state police of the premises of every dealer to determine compliance by  
22 such dealer with the requirements of this article. Every dealer shall  
23 provide the division of state police with full access to such dealer's  
24 premises for such inspections.

25 § 875-i. Rules and regulations. The superintendent may promulgate such  
26 additional rules and regulations as the superintendent shall deem neces-  
27 sary to prevent firearms, rifles, and shotguns from being diverted from  
28 the legal stream of commerce.

29 § 875-j. Violations. Any person, firm, or corporation who knowingly  
30 violates any provision of this article shall be guilty of a class A  
31 misdemeanor punishable as provided for in the penal law.

32 § 3. Subdivision 1 of section 400.00 of the penal law, as amended by  
33 chapter 1 of the laws of 2013, paragraph (c) as amended by chapter 60 of  
34 the laws of 2018, is amended to read as follows:

35 1. Eligibility. No license shall be issued or renewed pursuant to this  
36 section except by the licensing officer, and then only after investi-  
37 gation and finding that all statements in a proper application for a  
38 license are true. No license shall be issued or renewed except for an  
39 applicant (a) twenty-one years of age or older, provided, however, that  
40 where such applicant has been honorably discharged from the United  
41 States army, navy, marine corps, air force or coast guard, or the  
42 national guard of the state of New York, no such age restriction shall  
43 apply; (b) of good moral character; (c) who has not been convicted  
44 anywhere of a felony or a serious offense or who is not the subject of  
45 an outstanding warrant of arrest issued upon the alleged commission of a  
46 felony or serious offense; (d) who is not a fugitive from justice; (e)  
47 who is not an unlawful user of or addicted to any controlled substance  
48 as defined in section 21 U.S.C. 802; (f) who being an alien (i) is not  
49 illegally or unlawfully in the United States or (ii) has not been admit-  
50 ted to the United States under a nonimmigrant visa subject to the excep-  
51 tion in 18 U.S.C. 922(y)(2); (g) who has not been discharged from the  
52 Armed Forces under dishonorable conditions; (h) who, having been a citi-  
53 zen of the United States, has not renounced his or her citizenship; (i)  
54 who has stated whether he or she has ever suffered any mental illness;  
55 (j) who has not been involuntarily committed to a facility under the  
56 jurisdiction of an office of the department of mental hygiene pursuant



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

38 § 4. Subdivisions 11 and 12 of section 400.00 of the penal law, subdi-  
39 vision 11 as amended by chapter 1 of the laws of 2013 and subdivision 12  
40 as amended by chapter 129 of the laws of 2019, are amended to read as  
41 follows:

42 11. License: revocation and suspension. (a) The conviction of a licen-  
43 see anywhere of a felony or serious offense or a licensee at any time  
44 becoming ineligible to obtain a license under this section shall operate  
45 as a revocation of the license. A license may be revoked or suspended as  
46 provided for in section 530.14 of the criminal procedure law or section  
47 eight hundred forty-two-a of the family court act. Except for a license  
48 issued pursuant to section 400.01 of this article, a license may be  
49 revoked and cancelled at any time in the city of New York, and in the  
50 counties of Nassau and Suffolk, by the licensing officer, and elsewhere  
51 than in the city of New York by any judge or justice of a court of  
52 record; a license issued pursuant to section 400.01 of this article may  
53 be revoked and cancelled at any time by the licensing officer or any  
54 judge or justice of a court of record. A license to engage in the busi-  
55 ness of dealer may be revoked or suspended for any violation of the  
56 provisions of article thirty-nine-BB of the general business law. The

1 official revoking a license shall give written notice thereof without  
2 unnecessary delay to the executive department, division of state police,  
3 Albany, and shall also notify immediately the duly constituted police  
4 authorities of the locality.

5 (b) Whenever the director of community services or his or her designee  
6 makes a report pursuant to section 9.46 of the mental hygiene law, the  
7 division of criminal justice services shall convey such information,  
8 whenever it determines that the person named in the report possesses a  
9 license issued pursuant to this section, to the appropriate licensing  
10 official, who shall issue an order suspending or revoking such license.

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

22 12. Records required of gunsmiths and dealers in firearms. ~~[Any]~~ In  
23 addition to the requirements set forth in article thirty-nine-BB of the  
24 general business law, any person licensed as gunsmith or dealer in  
25 firearms shall keep a record book approved as to form, except in the  
26 city of New York, by the superintendent of state police. In the record  
27 book shall be entered at the time of every transaction involving a  
28 firearm the date, name, age, occupation and residence of any person from  
29 whom a firearm is received or to whom a firearm is delivered, and the  
30 calibre, make, model, manufacturer's name and serial number, or if none,  
31 any other distinguishing number or identification mark on such firearm.  
32 Before delivering a firearm to any person, the licensee shall require  
33 him to produce either a license valid under this section to carry or  
34 possess the same, or proof of lawful authority as an exempt person  
35 pursuant to section 265.20 of this chapter and either (a) the National  
36 Instant Criminal Background Check System (NICS) or its successor has  
37 issued a "proceed" response to the licensee, or (b) thirty calendar days  
38 have elapsed since the date the licensee contacted NICS to initiate a  
39 national instant criminal background check and NICS has not notified the  
40 licensee that the transfer of the firearm to such person should be  
41 denied. In addition, before delivering a firearm to a peace officer, the  
42 licensee shall verify that person's status as a peace officer with the  
43 division of state police. After completing the foregoing, the licensee  
44 shall remove and retain the attached coupon and enter in the record book  
45 the date of such license, number, if any, and name of the licensing  
46 officer, in the case of the holder of a license to carry or possess, or  
47 the shield or other number, if any, assignment and department, unit or  
48 agency, in the case of an exempt person. The original transaction report  
49 shall be forwarded to the division of state police within ten days of  
50 delivering a firearm to any person, and a duplicate copy shall be kept  
51 by the licensee. The superintendent of state police may designate that  
52 such record shall be completed and transmitted in electronic form. A  
53 dealer may be granted a waiver from transmitting such records in elec-  
54 tronic form if the superintendent determines that such dealer is incapa-  
55 ble of such transmission due to technological limitations that are not  
56 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 the superintendent.  
3 Records assembled or collected for purposes of inclusion in the database  
4 created pursuant to section 400.02 of this article shall not be subject  
5 to disclosure pursuant to article six of the public officers law. The  
6 record book shall be maintained on the premises mentioned and described  
7 in the license and shall be open at all reasonable hours for inspection  
8 by any peace officer, acting pursuant to his special duties, or police  
9 officer. In the event of cancellation or revocation of the license for  
10 gunsmith or dealer in firearms, or discontinuance of business by a  
11 licensee, such record book shall be immediately surrendered to the  
12 licensing officer in the city of New York, and in the counties of Nassau  
13 and Suffolk, and elsewhere in the state to the executive department,  
14 division of state police.

15 § 5. Severability. If any clause, sentence, paragraph, section or part  
16 of this act shall be adjudged by any court of competent jurisdiction to  
17 be invalid, such judgment shall not affect, impair or invalidate the  
18 remainder thereof, but shall be confined in its operation to the clause,  
19 sentence, paragraph, section or part thereof directly involved in the  
20 controversy in which such judgment shall have been rendered.

21 § 6. This act shall take effect on the one hundred eightieth day after  
22 it shall have become a law. Effective immediately, the addition, amend-  
23 ment and/or repeal of any rule or regulation for the implementation of  
24 section two of this act on its effective date are authorized to be made  
25 on or before such effective date.