

# STATE OF NEW YORK

5814

2021-2022 Regular Sessions

## IN SENATE

March 19, 2021

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to creating a statewide registry for individuals waiving the right to purchase firearms, rifles or shotguns

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

1 Section 1. The executive law is amended by adding a new section 221-e  
2 to read as follows:

3 § 221-e. Right to purchase firearms, rifles, or shotguns waiver regis-  
4 try. 1. For purposes of this section, the following definitions shall  
5 apply: (a) "Waiver" means a voluntary waiver of the right to purchase a  
6 firearm, rifle, or shotgun; and

7 (b) "Registry" means the statewide registry of individuals who have  
8 waived the right to purchase firearms, rifles, or shotguns as estab-  
9 lished by this section.

10 2. The division of state police shall develop and maintain a statewide  
11 registry of individuals who waive the right to purchase firearms, rifles  
12 or shotguns as set forth in subdivision three of this section. Such  
13 registry shall be maintained by the division of state police as set  
14 forth by the superintendent and shall be maintained for internal use.  
15 The division of state police shall enter each waiver into the registry,  
16 the national instant criminal background check system and any other  
17 federal or state computer-based systems used by law enforcement agencies  
18 or others to identify prohibited purchasers of firearms, rifles and  
19 shotguns within twenty-four hours of receipt of the waiver.

20 3. An individual may file a voluntary waiver of the right to purchase  
21 a firearm, rifle or shotgun with the division of state police, in a form  
22 that shall be determined by the superintendent, such individual shall  
23 then be prohibited from purchasing firearms, rifles and shotguns. The  
24 division of state police shall request photo identification to verify

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

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1 the individual's identity prior to accepting such form. The individual  
2 filing the waiver shall provide an alternate individual to be contacted  
3 if the waiver is revoked as set forth in subdivision four of this  
4 section. The waiver shall be entered in the registry created under  
5 subdivision two of this section on the same day it is filed.

6 4. No sooner than twenty-one days after filing a waiver an individual  
7 on the registry may file a revocation of the waiver with the division of  
8 state police in a form that shall be determined by the superintendent.  
9 The division of state police shall request photo identification to veri-  
10 fy the individual's identity prior to accepting such waiver. The divi-  
11 sion of state police shall remove such individual from the registry and  
12 shall enter the revocation of the waiver into the national instant crim-  
13 inal background check system and any other federal or state computer-  
14 based systems used by law enforcement agencies or others to identify  
15 prohibited purchasers of firearms, rifles and shotguns within twenty-  
16 four hours of receipt of the revocation form, to indicate that the indi-  
17 vidual is no longer a prohibited purchaser due to the voluntary waiver  
18 of the right to purchase firearms, rifles and shotguns.

19 5. A waiver pursuant to this section may not be required of an indi-  
20 vidual as a condition for receiving employment, benefits or services.

21 6. No records required by this section shall be subject to disclosure  
22 and shall be confidential with respect to all matters involving health  
23 care, employment, education, housing, insurance, government benefits,  
24 and contracting.

25 § 2. This act shall take effect on the one hundred eightieth day after  
26 it shall have become a law.