

STATE OF NEW YORK

3981

2025-2026 Regular Sessions

IN SENATE

January 31, 2025

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

AN ACT to amend the penal law and the environmental conservation law, in relation to establishing additional requirements to purchase a firearm, shotgun or rifle

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

1 Section 1. Subdivisions 1 and 4-c of section 400.00 of the penal law,
2 subdivision 1 as separately amended by chapters 371 and 669 of the laws
3 of 2022, and subdivision 4-c as amended by chapter 371 of the laws of
4 2022, are amended to read as follows:
5 1. Eligibility. No license shall be issued or renewed pursuant to this
6 section except by the licensing officer, and then only after investi-
7 gation and finding that all statements in a proper application for a
8 license are true. No license shall be issued or renewed except for an
9 applicant (a) twenty-one years of age or older, provided, however, that
10 where such applicant has been honorably discharged from the United
11 States army, navy, marine corps, air force or coast guard, or the
12 national guard of the state of New York, no such age restriction shall
13 apply; (b) of good moral character, which, for the purposes of this
14 article, shall mean having the essential character, temperament and
15 judgement necessary to be entrusted with a weapon and to use it only in
16 a manner that does not endanger oneself or others; (c) who has not been
17 convicted anywhere of a felony or a serious offense or who is not the
18 subject of an outstanding warrant of arrest issued upon the alleged
19 commission of a felony or serious offense; (d) who is not a fugitive
20 from justice; (e) who is not an unlawful user of or addicted to any
21 controlled substance as defined in section 21 U.S.C. 802 and has
22 provided notarized proof of a passed drug test by a licensed physician;
23 (f) who being a noncitizen (i) is not illegally or unlawfully in the
24 United States or (ii) has not been admitted to the United States under a

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

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1 nonimmigrant visa subject to the exception in 18 U.S.C. 922(y)(2); (g)
2 who has not been discharged from the Armed Forces under dishonorable
3 conditions; (h) who, having been a citizen of the United States, has not
4 renounced [~~his or her~~] their citizenship; (i) who has stated whether [~~he~~
5 ~~or she has~~] they have ever suffered any mental illness and has provided
6 notarized proof of a passed mental health evaluation by a licensed
7 physician; (j) who has not been involuntarily committed to a facility
8 under the jurisdiction of an office of the department of mental hygiene
9 pursuant to article nine or fifteen of the mental hygiene law, article
10 seven hundred thirty or section 330.20 of the criminal procedure law or
11 substantially similar laws of any other state, section four hundred two
12 or five hundred eight of the correction law, section 322.2 or 353.4 of
13 the family court act, has not been civilly confined in a secure treat-
14 ment facility pursuant to article ten of the mental hygiene law, or has
15 not been the subject of a report made pursuant to section 9.46 of the
16 mental hygiene law; (k) who has not had a license revoked or who is not
17 under a suspension or ineligibility order issued pursuant to the
18 provisions of section 530.14 of the criminal procedure law or section
19 eight hundred forty-two-a of the family court act; (l) in the county of
20 Westchester, who has successfully completed a firearms safety course and
21 test as evidenced by a certificate of completion issued in [~~his or her~~]
22 their name and endorsed and affirmed under the penalties of perjury by a
23 duly authorized instructor, except that: (i) persons who are honorably
24 discharged from the United States army, navy, marine corps or coast
25 guard, or of the national guard of the state of New York, and produce
26 evidence of official qualification in firearms during the term of
27 service are not required to have completed those hours of a firearms
28 safety course pertaining to the safe use, carrying, possession, mainte-
29 nance and storage of a firearm; (ii) persons who were licensed to
30 possess a pistol or revolver prior to [~~the effective date of this para-~~
31 ~~graph~~] July first, two thousand twenty-two are not required to have
32 completed a firearms safety course and test, provided, however, persons
33 with a license issued under paragraph (f) of subdivision two of this
34 section prior to [~~the effective date of the laws of two thousand twen-~~
35 ~~ty-two which amended this paragraph~~] July first, two thousand twenty-two
36 shall be required to complete the training required by subdivision nine-
37 teen of this section prior to the recertification of such license; and
38 (iii) persons applying for a license under paragraph (f) of subdivision
39 two of this section on or after [~~the effective date of the chapter of~~
40 ~~the laws of two thousand twenty-two which amended this paragraph~~] July
41 first, two thousand twenty-two who shall be required to complete the
42 training required under subdivision nineteen of this section for such
43 license; (m) who has not had a guardian appointed for [~~him or her~~] them
44 pursuant to any provision of state law, based on a determination that as
45 a result of marked subnormal intelligence, mental illness, incompetency,
46 incapacity, condition or disease, [~~he or she lacks~~] they lack the mental
47 capacity to contract or manage [~~his or her~~] their own affairs; (n) for a
48 license issued under paragraph (f) of subdivision two of this section,
49 that the applicant has not been convicted within five years of the date
50 of the application of any of the following: (i) assault in the third
51 degree, as defined in section 120.00 of this chapter; (ii) misdemeanor
52 driving while intoxicated, as defined in section eleven hundred ninety-
53 two of the vehicle and traffic law; or (iii) menacing, as defined in
54 section 120.15 of this chapter; [~~and~~] (o) for a license issued under
55 paragraph (f) of subdivision two of this section, the applicant shall
56 meet in person with the licensing officer for an interview and shall, in

1 addition to any other information or forms required by the license
2 application submit to the licensing officer the following information:
3 (i) names and contact information for the applicant's current spouse, or
4 domestic partner, any other adults residing in the applicant's home,
5 including any adult children of the applicant, and whether or not there
6 are minors residing, full time or part time, in the applicant's home;
7 (ii) names and contact information of no less than four character refer-
8 ences who can attest to the applicant's good moral character and that
9 such applicant has not engaged in any acts, or made any statements that
10 suggest they are likely to engage in conduct that would result in harm
11 to themselves or others; (iii) certification of completion of the train-
12 ing required in subdivision nineteen of this section; (iv) a list of
13 former and current social media accounts of the applicant from the past
14 three years to confirm the information regarding the applicants charac-
15 ter and conduct as required in subparagraph (ii) of this paragraph; and
16 (v) such other information required by the licensing officer that is
17 reasonably necessary and related to the review of the licensing applica-
18 tion; (p) who has successfully completed live firing instruction and a
19 test with at least ninety percent accuracy at a shooting range using the
20 type of firearm they anticipate purchasing, possessing or acquiring; and
21 (q) has purchased a safe storage depository for their firearms and ammu-
22 nition as evidenced by a receipt of such purchase. For the purposes of
23 this subdivision, "safe storage depository" shall mean a safe or other
24 secure container which, when locked, is incapable of being opened with-
25 out the key, combination or other unlocking mechanism and is capable of
26 preventing an unauthorized person from obtaining access to and
27 possession of the weapon or ammunition contained therein.

28 4-c. ~~[Westchester county firearms]~~ Firearms safety course certificate.
29 ~~[In the county of Westchester, at]~~ At the time of application, the
30 licensing officer to which the license application is made shall provide
31 a copy of the five hour safety course booklet to each license applicant.
32 Before such license is issued, such licensing officer shall require that
33 the applicant submit a certificate of successful completion of a five
34 hour firearms safety course and test issued in ~~[his or her]~~ their name
35 and endorsed and affirmed under the penalties of perjury by a duly
36 authorized instructor.

37 § 2. The penal law is amended by adding a new section 400.25 to read
38 as follows:

39 § 400.25 Purchase of rifles and shotguns.

40 1. Prior to the purchase of any rifle or shotgun, a person shall apply
41 for a hunting license pursuant to article eleven of the environmental
42 conservation law.

43 2. In addition to the requirements required by article eleven of the
44 environmental conservation law, no hunting license for the purchase of a
45 rifle or shotgun shall be issued except for an applicant: (a) who is not
46 an unlawful user of or addicted to any controlled substance as defined
47 in section 21 U.S.C. 802 and has provided notarized proof of a passed
48 drug test by a licensed physician; (b) who has stated whether they have
49 ever suffered any mental illness and has provided notarized proof of a
50 passed mental health evaluation by a licensed physician; (c) who has
51 successfully completed a five hour firearms safety course and test as
52 evidenced by a certificate of completion issued in their name and
53 endorsed and affirmed under the penalties of perjury by a duly author-
54 ized instructor, except that persons who are honorably discharged from
55 the United States army, navy, marine corps or coast guard, or of the
56 national guard of the state of New York, and produce evidence of offi-

1 cial qualification in firearms during the term of service are not
2 required to have completed those hours of a firearms safety course
3 pertaining to the safe use, carrying, possession, maintenance and stor-
4 age of firearms, shotguns and rifles; (d) who has successfully completed
5 live firing instruction and a test with at least ninety percent accuracy
6 at a shooting range using the type of rifle or shotgun they anticipate
7 purchasing, possessing or acquiring; (e) who does not have a criminal
8 record which would otherwise disqualify them from purchasing a shotgun
9 or rifle; and (f) has purchased a safe storage depository for their
10 rifle or shotgun and ammunition as evidenced by a receipt of such
11 purchase. For the purposes of this section, "safe storage depository"
12 shall mean a safe or other secure container which, when locked, is inca-
13 pable of being opened without the key, combination or other unlocking
14 mechanism and is capable of preventing an unauthorized person from
15 obtaining access to and possession of the weapon or ammunition contained
16 therein.

17 3. Before a license is issued, there shall be an investigation of all
18 statements related to the requirements of this section by the duly
19 constituted police authorities of the locality where such application is
20 made. For that purpose, the records of the appropriate office of the
21 department of mental hygiene concerning previous or present mental
22 illness of the applicant shall be available for inspection by the inves-
23 tigating officer of the police authority. In order to ascertain any
24 previous criminal record, the investigating officer shall take the fing-
25 erprints and physical descriptive data in quadruplicate of each individ-
26 ual by whom the application is made. Two copies of such fingerprints
27 shall be taken on standard fingerprint cards eight inches square, and
28 one copy may be taken on a card supplied for that purpose by the federal
29 bureau of investigation. When completed, one standard card shall be
30 forwarded to and retained by the division of criminal justice services
31 in the executive department, at Albany. A search of the files of such
32 division and written notification of the results of the search to the
33 investigating officer shall be made without unnecessary delay. Thereaft-
34 er, such division shall notify the issuing officer and the executive
35 department, division of state police, Albany, of any criminal record of
36 the applicant filed therein subsequent to the search of its files. A
37 second standard card, or the one supplied by the federal bureau of
38 investigation, as the case may be, shall be forwarded to that bureau at
39 Washington with a request that the files of the bureau be searched and
40 notification of the results of the search be made to the investigating
41 police authority. Of the remaining two fingerprint cards, one shall be
42 filed with the executive department, division of state police, Albany,
43 within ten days after issuance of the license, and the other remain on
44 file with the investigating police authority. No such fingerprints may
45 be inspected by any person other than a peace officer, who is acting
46 pursuant to their special duties, or a police officer, except on order
47 of a judge or justice of a court of record either upon notice to the
48 licensee or without notice, as the judge or justice may deem appropri-
49 ate. Upon completion of the investigation, the police authority shall
50 report the results to the issuing officer without unnecessary delay.

51 4. In acting upon an application, the issuing officer shall either
52 deny the application for reasons specifically and concisely stated in
53 writing or grant the application and issue the license applied for.

54 § 3. Subdivision 1 of section 11-0701 of the environmental conserva-
55 tion law is amended by adding a new paragraph c to read as follows:

1 c. entitles the holder to purchase a rifle or shotgun provided such
2 holder meets the requirements of section 400.25 of the penal law or any
3 other related provision of law.

4 § 4. Subdivision 3 of section 11-0713 of the environmental conserva-
5 tion law is amended by adding a new paragraph a-1 to read as follows:

6 a-1. The issuing officer shall not issue a hunting license for the
7 purchase of a rifle or shotgun to any person unless the applicant
8 presents proof that they meet the requirements of section 400.25 of the
9 penal law.

10 § 5. This act shall take effect on the one hundred eightieth day after
11 it shall have become a law. Effective immediately the addition, amend-
12 ment and/or repeal of any rule or regulation necessary for the implemen-
13 tation of this act on its effective date is authorized to be made and
14 completed on or before such effective date.