

10334

I N A S S E M B L Y

March 18, 2010

Introduced by M. of A. CASTELLI, PAULIN, BALL, LATIMER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to authorizing the county clerk to grant amendments to firearms licenses, under the Westchester county handgun record-keeping and accountability act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 5 and 9 of section 400.00 of the penal law,
2 subdivision 5 as amended by chapter 332 of the laws of 1994 and subdivi-
3 sion 9 as amended by chapter 172 of the laws of 1973, are amended to
4 read as follows:

5 5. Filing of approved applications. The application for any license,
6 if granted, shall be filed by the licensing officer with the clerk of
7 the county of issuance, except that in the city of New York and, in the
8 counties of Nassau and Suffolk, the licensing officer shall designate
9 the place of filing in the appropriate division, bureau or unit of the
10 police department thereof, and in the county of Suffolk the county clerk
11 is hereby authorized to transfer all records or applications relating to
12 firearms to the licensing authority of that county. The name and address
13 of any person to whom an application for any license has been granted
14 shall be a public record. Upon application by a licensee who has changed
15 his OR HER place of residence such records or applications shall be
16 transferred to the appropriate officer at the licensee's new place of
17 residence. A duplicate copy of such application shall be filed by the
18 licensing officer in the executive department, division of state police,
19 Albany, within ten days after issuance of the license; PROVIDED, HOWEV-
20 ER, THAT IN THE COUNTY OF WESTCHESTER THE COUNTY CLERK SHALL FILE A
21 DUPLICATE COPY OF SUCH APPLICATION WITH THE EXECUTIVE DEPARTMENT, DIVI-
22 SION OF STATE POLICE, ALBANY WITHIN TEN DAYS AFTER ISSUANCE OF THE
23 LICENSE. Nothing in this subdivision shall be construed to change the
24 expiration date or term of such licenses if otherwise provided for in
25 law.

26 9. License: amendment. Elsewhere than in the city of New York OR COUN-
27 TY OF WESTCHESTER, a person licensed to carry or possess a pistol or

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

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1 revolver may apply at any time to his OR HER licensing officer for
2 amendment of his OR HER license to [include] ADD one or more such weap-
3 ons or to [cancel] REMOVE weapons held under license. If granted, a
4 record of the amendment describing the weapons involved shall be filed
5 by the licensing officer in the executive department, division of state
6 police, Albany. IN THE COUNTY OF WESTCHESTER, A PERSON LICENSED TO
7 CARRY OR POSSESS A PISTOL OR REVOLVER MAY APPLY AT ANY TIME TO THE COUN-
8 TY CLERK OF SUCH COUNTY FOR AMENDMENT TO HIS OR HER LICENSE TO ADD ONE
9 OR MORE SUCH WEAPONS OR TO REMOVE WEAPONS HELD UNDER THE LICENSE. SUCH
10 AMENDMENT SHALL BE GRANTED IMMEDIATELY BY THE COUNTY CLERK OF THE COUNTY
11 OF WESTCHESTER, AND A RECORD OF THE AMENDMENT DESCRIBING THE WEAPONS
12 INVOLVED SHALL BE FILED BY SUCH CLERK IN THE EXECUTIVE DEPARTMENT, DIVI-
13 SION OF STATE POLICE, ALBANY. Notification of any change of residence
14 shall be made in writing by any licensee within ten days after such
15 change occurs, and a record of such change shall be inscribed by such
16 licensee on the reverse side of his OR HER license. Elsewhere than in
17 the city of New York, and in the counties of Nassau [and], Suffolk AND
18 WESTCHESTER, such notification shall be made to the executive depart-
19 ment, division of state police, Albany, and in the city of New York to
20 the police commissioner of that city, and in the county of Nassau to the
21 police commissioner of that county, and in the county of Suffolk to the
22 licensing officer of that county, who shall, within ten days after such
23 notification shall be received by him OR HER, give notice in writing of
24 such change to the executive department, division of state police, at
25 Albany. IN THE COUNTY OF WESTCHESTER, A PERSON LICENSED TO CARRY OR
26 POSSESS A PISTOL OR REVOLVER SHALL NOTIFY THE COUNTY CLERK OF SUCH COUN-
27 TY OF HIS OR HER CHANGE OF RESIDENCE IN WRITING WITHIN TEN DAYS OF SUCH
28 CHANGE, AND SUCH COUNTY CLERK SHALL GIVE NOTICE IN WRITING OF SUCH
29 CHANGE TO THE EXECUTIVE DEPARTMENT, DIVISION OF STATE POLICE, AT ALBANY,
30 WITHIN TEN DAYS OF SUCH CLERK'S RECEIPT OF NOTIFICATION OF A CHANGE OF
31 RESIDENCE. THE CHANGE OF RESIDENCE AMENDMENT SHALL BE GRANTED IMMEDIATE-
32 LY BY THE COUNTY CLERK OF THE COUNTY OF WESTCHESTER.

33 S 2. This act shall take effect immediately and shall apply to
34 licenses issued on or after such date.