

3076--B

Cal. No. 344

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. KAVANAGH, PHEFFER, PEOPLES-STOKES, BENJAMIN, JAFFEE, MAYERSOHN, CAMARA, ROBINSON, ESPAILLAT, BROOK-KRASNY, AUBRY, LAVINE -- Multi-Sponsored by -- M. of A. GANTT, GLICK, GOTTFRIED, HOOPER, JOHN, LIFTON, McDONOUGH, MENG, WEISENBERG, WRIGHT -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported from said committee with amendments, ordered reprinted as amended and placed on the order of second reading

AN ACT to amend the penal law, in relation to the issuance of a license to carry a firearm

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

1 Section 1. Subdivision 1 of section 400.00 of the penal law, as
2 amended by chapter 189 of the laws of 2000, is amended to read as
3 follows:
4 1. Eligibility. No license shall be issued or renewed pursuant to this
5 section except by the licensing officer, and then only after investi-
6 gation and finding that all statements in a proper application for a
7 license are true. No license shall be issued or renewed except for an
8 applicant (a) twenty-one years of age or older, provided, however, that
9 where such applicant has been honorably discharged from the United
10 States army, navy, marine corps, air force or coast guard, or the
11 national guard of the state of New York, no such age restriction shall
12 apply; (b) of good moral character; (c) who has not been convicted
13 anywhere of a felony or a serious offense; (d) who has [stated whether
14 he or she has] NOT HAD A GUARDIAN APPOINTED FOR THEM PURSUANT TO ANY
15 PROVISION OF LAW, BASED ON A DETERMINATION THAT AS A RESULT OF MARKED
16 SUBNORMAL INTELLIGENCE, MENTAL ILLNESS, INCAPACITY, CONDITION OR
17 DISEASE, HE OR SHE LACKS THE MENTAL CAPACITY TO CONTRACT OR MANAGE THEIR
18 OWN AFFAIRS OR ever suffered any mental illness or been confined to any
19 hospital or institution, public or private, for mental illness; (e) who

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

1 has not had a license revoked or who is not under a suspension or inel-
2 ibility order issued pursuant to the provisions of section 530.14 of
3 the criminal procedure law or section eight hundred forty-two-a of the
4 family court act; (f) [in the county of Westchester,] who has success-
5 fully completed a firearms safety course and test as evidenced by a
6 certificate of completion issued in his or her name and endorsed and
7 affirmed under the penalties of perjury by a duly authorized instructor,
8 APPROVED BY THE SUPERINTENDENT OF STATE POLICE except that: (i) persons
9 who are honorably discharged from the United States army, navy, marine
10 corps, AIR FORCE or coast guard, or of the national guard of the state
11 of New York, and produce evidence of official qualification in firearms
12 during the term of service are not required to have completed those
13 hours of a firearms safety course pertaining to the safe use, carrying,
14 possession, maintenance and storage of a firearm; and (ii) persons who
15 were licensed to possess a pistol or revolver prior to the effective
16 date of this paragraph are not required to have completed a firearms
17 safety course and test; and (g) concerning whom no good cause exists for
18 the denial of the license. No person shall engage in the business of
19 gunsmith or dealer in firearms unless licensed pursuant to this section.
20 An applicant to engage in such business shall also be a citizen of the
21 United States, more than twenty-one years of age and maintain a place of
22 business in the city or county where the license is issued. For such
23 business, if the applicant is a firm or partnership, each member thereof
24 shall comply with all of the requirements set forth in this subdivision
25 and if the applicant is a corporation, each officer thereof shall so
26 comply.

27 S 2. This act shall take effect on the one hundred twentieth day after
28 it shall have become a law.