S T A T E O F N E W Y O R K

3344

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. CROUCH, CALHOUN, TOWNSEND -- Multi-Sponsored by -- M. of A. McDONOUGH -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to licenses to carry firearms by non-resident individuals

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

Section 1. Paragraph (a) of subdivision 3 of section 400.00 of the penal law, as designated by chapter 778 of the laws of 1985, is amended to read as follows:

(a) (I) Applications shall be made and renewed, in the case of a license to carry or possess a pistol or revolver, to the licensing officer in the city or county, as the case may be, where the applicant resides, is principally employed or has his OR HER principal place of business as merchant or storekeeper; and, in the case of a license as gunsmith or dealer in firearms, to the licensing officer where such place of business is located. IF THE APPLICANT DOES NOT RESIDE IN THIS STATE, THEN HIS OR HER APPLICATION SHALL BE MADE AND RENEWED TO THE LICENSING OFFICER IN THE COUNTY OF ALBANY. Blank applications shall, except in the city of New York, be approved as to form by the superintendent of state police. An application shall state the full name, date of birth, STATE OF residence, present occupation of each person or individual signing the same, whether or not he OR SHE is a citizen of the United States, whether or not he OR SHE complies with each requirement for eligibility specified in subdivision one of this section and such other facts as may be required to show the good character, competency and integrity of each person or individual signing the application. An application shall be signed and verified by the applicant. Each individual signing an application shall submit one photograph of himself OR HERSELF and a duplicate for each required copy of the application. Such photographs shall have been taken within thirty days prior to

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

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filing the application. In case of a license as gunsmith or dealer in firearms, the photographs submitted shall be two inches square, and the application shall also state the previous occupation of each individual signing the same and the location of the place of such business, or of the bureau, agency, subagency, office or branch office for which the license is sought, specifying the name of the city, town or village, indicating the street and number and otherwise giving such apt description as to point out reasonably the location thereof. In such case, if the applicant is a firm, partnership or corporation, its name, date and place of formation, and principal place of business shall be stated. For such firm or partnership, the application shall be signed and verified by each individual composing or intending to compose the same, and for such corporation, by each officer thereof.

(II) WHENEVER A NON-RESIDENT INDIVIDUAL MAKES AN APPLICATION FOR A PERMIT IN THIS STATE, HE OR SHE MUST PROVIDE PROOF OF A VALID PERMIT FROM THE STATE OF HIS OR HER RESIDENCE. A NON-RESIDENT APPLICANT SHALL BE SUBJECT TO THE SAME BACKGROUND CHECKS AS A RESIDENT APPLICANT EVEN THOUGH SUCH NON-RESIDENT APPLICANT MAY HAVE PREVIOUSLY HAD A SIMILAR BACKGROUND CHECK PERFORMED BY HIS OR HER RESIDENT STATE.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, any affected department, office, agency, or other governmental entity may implement any rule or regulation necessary for the timely implementation of this act on its effective date.