

4486

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. ESPAILLAT, PERALTA -- Multi-Sponsored by -- M. of
A. BOYLAND, DIAZ, HOOPER -- read once and referred to the Committee on
Codes

AN ACT to amend the penal law, in relation to the disposal of firearms,
rifles and shotguns by the state and local governments

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

1 Section 1. Subdivision 16 of section 400.00 of the penal law, as added
2 by chapter 233 of the laws of 1980, is amended to read as follows:
3 16. Unlawful disposal. (A) No person shall except as otherwise author-
4 ized pursuant to law dispose of any firearm unless he is licensed as
5 gunsmith or dealer in firearms.
6 (B) NO DEPARTMENT, BOARD, BUREAU, COMMISSION, AGENCY OR OTHER DIVISION
7 OF THE STATE OR LOCAL GOVERNMENT SHALL SELL OR OTHERWISE TRANSFER ANY
8 FIREARM, RIFLE OR SHOTGUN TO ANY PERSON OR ENTITY OTHER THAN TO A LAW
9 ENFORCEMENT AGENCY FOR USE BY SUCH LAW ENFORCEMENT AGENCY. ANY DEPART-
10 MENT, BOARD, BUREAU, COMMISSION, AGENCY OR OTHER DIVISION OF THE STATE
11 OR LOCAL GOVERNMENT INTENDING TO DISPOSE OF ANY FIREARM, RIFLE OR SHOT-
12 GUN SHALL, IF AUTHORIZED, EITHER SELL OR TRANSFER SUCH FIREARM, RIFLE OR
13 SHOTGUN TO A LAW ENFORCEMENT AGENCY FOR USE BY SUCH LAW ENFORCEMENT
14 AGENCY, OR DISPOSE OF THE FIREARM, RIFLE OR SHOTGUN BY DESTROYING THE
15 SAME OR CAUSING IT TO BE DESTROYED OR RENDERING THE SAME OR CAUSING IT
16 TO BE RENDERED INEFFECTIVE AND USELESS FOR ITS INTENDED PURPOSES AND
17 HARMLESS TO HUMAN LIFE.
18 S 2. This act shall take effect immediately.

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

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