

5594

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. OAKS, BACALLES, BARRA, ERRIGO, HAWLEY, KOLB, WALKER -- Multi-Sponsored by -- M. of A. ALFANO, BARCLAY, BURLING, CALHOUN, CROUCH, FINCH, GIGLIO, JORDAN, McDONOUGH, MILLER, TOWNSEND -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to a license to carry or possess a firearm

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

1 Section 1. Section 265.00 of the penal law is amended by adding a new  
2 subdivision 10-a to read as follows:

3 10-A. "FILING OFFICER" MEANS THE COUNTY CLERK OF EACH COUNTY, UNLESS  
4 OTHERWISE SPECIFIED THROUGH RESOLUTION BY THE COUNTY'S LEGISLATIVE BODY.

5 S 2. Subdivisions 9, 10, 13 and 14 of section 400.00 of the penal law,  
6 subdivision 9 as amended by chapter 172 of the laws of 1973, subdivision  
7 10 as amended by chapter 447 of the laws of 1997 and subdivision 14 as  
8 amended by chapter 195 of the laws of 2005, are amended to read as  
9 follows:

10 9. License: amendment. Elsewhere than in the city of New York, a  
11 person licensed to carry or possess a pistol or revolver may apply at  
12 any time to [his licensing] THE FILING officer for amendment of his  
13 license to include one or more such weapons or to cancel weapons held  
14 under license. [If granted, a] A record of the amendment describing the  
15 weapons involved shall be filed by the licensing officer in the execu-  
16 tive department, division of state police, Albany. Notification of any  
17 change of residence shall be made in writing by any licensee within ten  
18 days after such change occurs, and a record of such change shall be  
19 inscribed by such licensee on the reverse side of his license. Else-  
20 where than in the city of New York, and in the counties of Nassau and  
21 Suffolk, such notification shall be made to the executive department,  
22 division of state police, Albany, and in the city of New York to the  
23 police commissioner of that city, and in the county of Nassau to the

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

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1 police commissioner of that county, and in the county of Suffolk to the  
2 [licensing] FILING officer of that county, who shall, within ten days  
3 after such notification shall be received by him, give notice in writing  
4 of such change to the executive department, division of state police, at  
5 Albany.

6 10. License: expiration, certification and renewal. Any license for  
7 gunsmith or dealer in firearms and, in the city of New York, any license  
8 to carry or possess a pistol or revolver, issued at any time pursuant to  
9 this section or prior to the first day of July, nineteen hundred sixty-  
10 three and not limited to expire on an earlier date fixed in the license,  
11 shall expire not more than three years after the date of issuance. In  
12 the counties of Nassau, Suffolk and Westchester, any license to carry or  
13 possess a pistol or revolver, issued at any time pursuant to this  
14 section or prior to the first day of July, nineteen hundred sixty-three  
15 and not limited to expire on an earlier date fixed in the license, shall  
16 expire not more than five years after the date of issuance; however, in  
17 the county of Westchester, any such license shall be certified prior to  
18 the first day of April, two thousand, in accordance with a schedule to  
19 be contained in regulations promulgated by the commissioner of the divi-  
20 sion of criminal justice services, and every such license shall be  
21 recertified every five years thereafter. For purposes of this section  
22 certification shall mean that the licensee shall provide to the licens-  
23 ing officer the following information only: current name, date of  
24 birth, current address, and the make, model, caliber and serial number  
25 of all firearms currently possessed. Such certification information  
26 shall be filed by the licensing officer in the same manner as an amend-  
27 ment. Elsewhere than in the city of New York and the counties of Nassau,  
28 Suffolk and Westchester, any license to carry or possess a pistol or  
29 revolver, issued at any time pursuant to this section or prior to the  
30 first day of July, nineteen hundred sixty-three and not previously  
31 revoked or cancelled, shall be in force and effect until revoked as  
32 herein provided. Any license not previously cancelled or revoked shall  
33 remain in full force and effect for thirty days beyond the stated expi-  
34 ration date on such license. Any application to renew a license that has  
35 not previously expired, been revoked or cancelled shall thereby extend  
36 the term of the license until disposition of the application by the  
37 [licensing] FILING officer. In the case of a license for gunsmith or  
38 dealer in firearms, in counties having a population of less than two  
39 hundred thousand inhabitants, photographs and fingerprints shall be  
40 submitted on original applications and upon renewal thereafter only at  
41 six year intervals. Upon satisfactory proof that a currently valid  
42 original license has been despoiled, lost or otherwise removed from the  
43 possession of the licensee and upon application containing an additional  
44 photograph of the licensee, the [licensing] FILING officer shall issue a  
45 duplicate license.

46 13. Expenses. The expense of providing a [licensing] FILING officer  
47 with blank applications, licenses and record books for carrying out the  
48 provisions of this section shall be a charge against the county, and in  
49 the city of New York against the city.

50 14. Fees. In the city of New York and the county of Nassau, the annual  
51 license fee shall be twenty-five dollars for gunsmiths and fifty dollars  
52 for dealers in firearms. In such city, the city council and in the coun-  
53 ty of Nassau the Board of Supervisors shall fix the fee to be charged  
54 for a license to carry or possess a pistol or revolver and provide for  
55 the disposition of such fees. Elsewhere in the state, the [licensing]  
56 FILING officer shall collect and pay into the county treasury the

1 following fees: for each license to carry or possess a pistol or revol-  
2 ver, not less than three dollars nor more than ten dollars as may be  
3 determined by the legislative body of the county; for each amendment  
4 thereto, three dollars, and five dollars in the county of Suffolk; and  
5 for each license issued to a gunsmith or dealer in firearms, ten  
6 dollars. The fee for a duplicate license shall be five dollars. The fee  
7 for processing a license transfer between counties shall be five  
8 dollars. The fee for processing a license or renewal thereof for a qual-  
9 ified retired police officer as defined under subdivision thirty-four of  
10 section 1.20 of the criminal procedure law, or a qualified retired sher-  
11 iff, undersheriff, or deputy sheriff of the city of New York as defined  
12 under subdivision two of section 2.10 of the criminal procedure law, or  
13 a qualified retired bridge and tunnel officer, sergeant or lieutenant of  
14 the triborough bridge and tunnel authority as defined under subdivision  
15 twenty of section 2.10 of the criminal procedure law, or a qualified  
16 retired uniformed court officer in the unified court system, or a quali-  
17 fied retired court clerk in the unified court system in the first and  
18 second judicial departments, as defined in paragraphs a and b of subdi-  
19 vision twenty-one of section 2.10 of the criminal procedure law or a  
20 retired correction officer as defined in subdivision twenty-five of  
21 section 2.10 of the criminal procedure law shall be waived in all coun-  
22 ties throughout the state.

23 S 3. This act shall take effect immediately.