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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DelMONTE, LUPARDO, MOLINARO, MILLER, CROUCH, MAGEE, SCHROEDER, FIELDS, GUNTHER, SCHIMEL, GORDON -- Multi-Sponsored by -- M. of A. BALL, CHRISTENSEN, CLARK, GIGLIO, HAWLEY, HOOPER, JOHN, KOON, OAKS, SAYWARD, TITONE, ZEBROWSKI -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to confidentiality of information contained in an application for a pistol license

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

1 Section 1. Subdivision 5 of section 400.00 of the penal law, as
2 amended by chapter 332 of the laws of 1994, is amended to read as
3 follows:
4 5. Filing of approved applications. The application for any license,
5 if granted, shall be filed by the licensing officer with the clerk of
6 the county of issuance, except that in the city of New York and, in the
7 counties of Nassau and Suffolk, the licensing officer shall designate
8 the place of filing in the appropriate division, bureau or unit of the
9 police department thereof, and in the county of Suffolk the county clerk
10 is hereby authorized to transfer all records or applications relating to
11 firearms to the licensing authority of that county. [The name and
12 address of any person to whom an application for any license has been
13 granted shall be a public record.] AN APPLICATION FOR A PISTOL LICENSE,
14 AND ALL INFORMATION CONTAINED WITHIN SUCH APPLICATION, ALL INFORMATION
15 PROVIDED TO A LAW ENFORCEMENT OFFICER OR THE LICENSING OFFICER OR
16 OBTAINED BY A LAW ENFORCEMENT OFFICER IN THE COURSE OF AN INVESTIGATION
17 OF AN APPLICANT, ARE CONFIDENTIAL. ANY RECORD REGARDING AN APPLICANT OR
18 LICENSEE MAY ONLY BE RELEASED TO A LAW ENFORCEMENT AGENCY FOR THE
19 PURPOSE OF CONDUCTING AN INVESTIGATION OR PROSECUTION. Upon application
20 by a licensee who has changed his place of residence such records or
21 applications shall be transferred to the appropriate officer at the

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

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1 licensee's new place of residence. A duplicate copy of such application
2 shall be filed by the licensing officer in the executive department,
3 division of state police, Albany, within ten days after issuance of the
4 license. Nothing in this subdivision shall be construed to change the
5 expiration date or term of such licenses if otherwise provided for in
6 law.

7 S 2. This act shall take effect immediately.