

2243

2009-2010 Regular Sessions

I N S E N A T E

February 13, 2009

Introduced by Sens. VOLKER, O. JOHNSON, LARKIN, MAZIARZ, MORAHAN,
RANZENHOFER, SALAND, SEWARD, WINNER -- read twice and ordered printed,
and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to issuance of licenses to
have and carry pistols

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

1 Section 1. Subdivision 2 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 2. Types of licenses. A license for gunsmith or dealer in firearms
5 shall be issued to engage in such business. A license for a pistol or
6 revolver, other than an assault weapon or a disguised gun, shall be
7 issued to (a) have and possess in his dwelling by a householder; (b)
8 have and possess in his place of business by a merchant or storekeeper;
9 (c) have and carry concealed while so employed by a messenger employed
10 by a banking institution or express company; (d) have and carry
11 concealed by a justice of the supreme court in the first or second judi-
12 cial departments, or by a judge of the New York city civil court or the
13 New York city criminal court; (e) have and carry concealed while so
14 employed by a regular employee of an institution of the state, or of any
15 county, city, town or village, under control of a commissioner of
16 correction of the city or any warden, superintendent or head keeper of
17 any state prison, penitentiary, workhouse, county jail or other institu-
18 tion for the detention of persons convicted or accused of crime or held
19 as witnesses in criminal cases, provided that application is made there-
20 for by such commissioner, warden, superintendent or head keeper; (f)
21 have and carry concealed, without regard to employment or place of
22 possession, by any person when proper cause exists for the issuance
23 thereof, SUCH PROPER CAUSE BEING PRESUMED TO EXIST UNLESS THE PRIOR
24 MORAL, MENTAL, OR CRIMINAL RECORD OF SUCH PERSON INDICATES THAT GOOD

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

LBD00147-01-9

1 CAUSE EXISTS TO BELIEVE THAT ANY BENEFITS ACCRUING TO SUCH PERSON WOULD
2 BE OUTWEIGHED BY POTENTIAL DANGERS TO PUBLIC SAFETY THAT WOULD BE ENGEN-
3 DERED BY ISSUANCE OF SUCH LICENSE; and (g) have, possess, collect and
4 carry antique pistols which are defined as follows: (i) any single shot,
5 muzzle loading pistol with a matchlock, flintlock, percussion cap, or
6 similar type of ignition system manufactured in or before 1898, which is
7 not designed for using rimfire or conventional centerfire fixed ammuni-
8 tion; and (ii) any replica of any pistol described in clause (i) hereof
9 if such replica--
10 (1) is not designed or redesigned for using rimfire or conventional
11 centerfire fixed ammunition, or
12 (2) uses rimfire or conventional centerfire fixed ammunition which is
13 no longer manufactured in the United States and which is not readily
14 available in the ordinary channels of commercial trade.
15 S 2. This act shall take effect on the first of November next succeed-
16 ing the date on which it shall have become a law.