

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. LITTLE -- 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 authorizing the possession of a pistol or revolver while attending a pre-license firearms safety course

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

1 Section 1. Subdivision a of section 265.20 of the penal law is amended
2 by adding a new paragraph 7-f to read as follows:
3 7-F. POSSESSION OF A PISTOL OR REVOLVER BY A PERSON WHO HAS APPLIED
4 FOR A LICENSE TO POSSESS A PISTOL OR REVOLVER AND PRE-LICENSE POSSESSION
5 OF SAME PURSUANT TO SECTION 400.00 OF THIS CHAPTER, WHO HAS NOT BEEN
6 PREVIOUSLY DENIED A LICENSE, BEEN PREVIOUSLY CONVICTED OF A FELONY OR
7 SERIOUS OFFENSE, AND WHO DOES NOT APPEAR TO BE, OR POSE A THREAT TO BE,
8 A DANGER TO HIMSELF, HERSELF OR TO OTHERS, AND WHO HAS BEEN APPROVED FOR
9 POSSESSION IN ACCORDANCE WITH SECTION 400.00 OF THIS CHAPTER; PROVIDED
10 THAT SUCH POSSESSION SHALL BE OF A PISTOL OR REVOLVER DULY LICENSED TO
11 AND SHALL BE POSSESSED UNDER THE SUPERVISION, GUIDANCE AND INSTRUCTION
12 OF A CERTIFIED FIREARMS SAFETY COURSE INSTRUCTOR, AND PROVIDED FURTHER
13 THAT SUCH POSSESSION OCCURS DURING THE COURSE OF A CERTIFIED PRE-LICENSE
14 FIREARMS SAFETY COURSE IN WHICH SUCH PERSON IS ENROLLED.
15 S 2. Paragraph (b) of subdivision 3 of section 400.00 of the penal
16 law, as added by chapter 778 of the laws of 1985, is amended to read as
17 follows:
18 (b) Application for an exemption under paragraph seven-b OR SEVEN-F of
19 subdivision a of section 265.20 of this chapter. Each applicant desiring
20 to obtain the exemption set forth in paragraph seven-b OR SEVEN-F of
21 subdivision a of section 265.20 of this chapter shall make such request
22 in writing of the licensing officer with whom his OR HER application for
23 a license is filed, at the time of filing such application. Such request

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

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1 shall include a signed and verified statement by the person authorized
2 to instruct and supervise the applicant, that has met with the applicant
3 and that he OR SHE has determined that, in his OR HER judgment, said
4 applicant does not appear to be or poses a threat to be, a danger to
5 himself, HERSELF or to others. He OR SHE shall include a copy of his OR
6 HER certificate as an instructor in small arms, if he OR SHE is required
7 to be certified, and state his OR HER address and telephone number. He
8 OR SHE shall specify the exact location by name, address and telephone
9 number where such instruction will take place. Such licensing officer
10 shall, no later than ten business days after such filing, request the
11 duly constituted police authorities of the locality where such applica-
12 tion is made to investigate and ascertain any previous criminal record
13 of the applicant pursuant to subdivision four of this section. Upon
14 completion of this investigation, the police authority shall report the
15 results to the licensing officer without unnecessary delay. The licens-
16 ing officer shall no later than ten business days after the receipt of
17 such investigation, determine if the applicant has been previously
18 denied a license, been convicted of a felony, or been convicted of a
19 serious offense, and either approve or disapprove the applicant for
20 exemption purposes based upon such determinations. If the applicant is
21 approved for the exemption, the licensing officer shall notify the
22 appropriate duly constituted police authorities and the applicant. Such
23 exemption shall terminate if the application for the license is denied,
24 or at any earlier time based upon any information obtained by the
25 licensing officer or the appropriate police authorities which would
26 cause the license to be denied. The applicant and appropriate police
27 authorities shall be notified of any such terminations.

28 S 3. This act shall take effect on the ninetieth day after it shall
29 have become a law.