

2009-2010 Regular Sessions

I N S E N A T E

January 9, 2009

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to the compilation of firearm and ballistic data

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

1 Section 1. Subdivision 4 of section 230 of the executive law, as added
2 by chapter 189 of the laws of 2000, is amended to read as follows:

3 4. (A) The superintendent of the division of state police shall estab-
4 lish and maintain within the division a criminal gun clearinghouse as a
5 central repository of information regarding all guns seized, forfeited,
6 found or otherwise coming into the possession of any state or local law
7 enforcement agency which are believed to have been used in the commis-
8 sion of a crime. The superintendent of the division of state police
9 shall adopt and promulgate regulations prescribing reporting procedures
10 for such state or local law enforcement agencies, including the form for
11 reporting such information. In addition to any other information which
12 the superintendent of the division of state police may require, the form
13 shall require [(a)] (I) the serial number or other identifying informa-
14 tion on the gun, if available and [(b)] (II) a brief description of the
15 circumstances under which the gun came into the possession of the law
16 enforcement agency, including the crime which was or may have been
17 committed with the gun.

18 (B) ANY EXPENDED PROJECTILE, EXPENDED SHELL CASING, OR GUN SEIZED,
19 FOUND, OR OTHERWISE COMING INTO POSSESSION OF ANY STATE OR LOCAL LAW
20 ENFORCEMENT AGENCY SHALL BE SUBMITTED TO THE DIVISION OF STATE POLICE,
21 WHICH SHALL CAUSE TO BE ENTERED IN THE AUTOMATED ELECTRONIC DATABANK
22 (ESTABLISHED PURSUANT TO SUBDIVISION SIX OF SECTION THREE HUNDRED NINE-
23 TY-SIX-FF OF THE GENERAL BUSINESS LAW) PERTINENT DATA AND OTHER BALLIS-
24 TIC INFORMATION RELEVANT TO IDENTIFICATION OF THE EXPENDED PROJECTILE,
25 EXPENDED SHELL CASING, OR GUN. THE LAW ENFORCEMENT AGENCY SHALL RECORD

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

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1 A BRIEF DESCRIPTION OF THE CIRCUMSTANCES UNDER WHICH THE PROJECTILE,
2 SHELL CASING, OR GUN CAME INTO ITS POSSESSION, INCLUDING ANY CRIME WHICH
3 WAS OR MAY HAVE BEEN COMMITTED WITH THE PROJECTILE, SHELL CASING, OR
4 GUN.

5 (C) MATERIALS REQUIRED TO BE SUBMITTED PURSUANT TO THIS SUBDIVISION
6 SHALL BE SUBMITTED WITHIN THIRTY DAYS OF COMING INTO THE POSSESSION OF A
7 STATE OR LOCAL LAW ENFORCEMENT AGENCY. SUCH MATERIALS SHALL BE TESTED OR
8 EXAMINED AS REQUIRED BY THIS SUBDIVISION WITHIN THIRTY DAYS OF THEIR
9 RECEIPT BY THE LABORATORY.

10 S 2. This act shall take effect on the one hundred twentieth day after
11 it shall have become a law; provided that the superintendent of state
12 police is authorized and directed to immediately promulgate any and all
13 rules and regulations and take any other measures necessary to implement
14 this act on its effective date.