

10334

I N   A S S E M B L Y

March 18, 2010

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Introduced by M. of A. CASTELLI, PAULIN, BALL, LATIMER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to authorizing the county clerk to grant amendments to firearms licenses, under the Westchester county handgun record-keeping and accountability act

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

1     Section 1. Subdivisions 5 and 9 of section 400.00 of the penal law,  
2     subdivision 5 as amended by chapter 332 of the laws of 1994 and subdivi-  
3     sion 9 as amended by chapter 172 of the laws of 1973, are amended to  
4     read as follows:

5     5. Filing of approved applications. The application for any license,  
6     if granted, shall be filed by the licensing officer with the clerk of  
7     the county of issuance, except that in the city of New York and, in the  
8     counties of Nassau and Suffolk, the licensing officer shall designate  
9     the place of filing in the appropriate division, bureau or unit of the  
10    police department thereof, and in the county of Suffolk the county clerk  
11    is hereby authorized to transfer all records or applications relating to  
12    firearms to the licensing authority of that county. The name and address  
13    of any person to whom an application for any license has been granted  
14    shall be a public record. Upon application by a licensee who has changed  
15    his OR HER place of residence such records or applications shall be  
16    transferred to the appropriate officer at the licensee's new place of  
17    residence. A duplicate copy of such application shall be filed by the  
18    licensing officer in the executive department, division of state police,  
19    Albany, within ten days after issuance of the license; PROVIDED, HOWEV-  
20    ER, THAT IN THE COUNTY OF WESTCHESTER THE COUNTY CLERK SHALL FILE A  
21    DUPLICATE COPY OF SUCH APPLICATION WITH THE EXECUTIVE DEPARTMENT, DIVI-  
22    SION OF STATE POLICE, ALBANY WITHIN TEN DAYS AFTER ISSUANCE OF THE  
23    LICENSE. Nothing in this subdivision shall be construed to change the  
24    expiration date or term of such licenses if otherwise provided for in  
25    law.

26    9. License: amendment. Elsewhere than in the city of New York OR COUN-  
27    TY OF WESTCHESTER, a person licensed to carry or possess a pistol or

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

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1 revolver may apply at any time to his OR HER licensing officer for  
2 amendment of his OR HER license to [include] ADD one or more such weap-  
3 ons or to [cancel] REMOVE weapons held under license. If granted, a  
4 record of the amendment describing the weapons involved shall be filed  
5 by the licensing officer in the executive department, division of state  
6 police, Albany. IN THE COUNTY OF WESTCHESTER, A PERSON LICENSED TO  
7 CARRY OR POSSESS A PISTOL OR REVOLVER MAY APPLY AT ANY TIME TO THE COUN-  
8 TY CLERK OF SUCH COUNTY FOR AMENDMENT TO HIS OR HER LICENSE TO ADD ONE  
9 OR MORE SUCH WEAPONS OR TO REMOVE WEAPONS HELD UNDER THE LICENSE. SUCH  
10 AMENDMENT SHALL BE GRANTED IMMEDIATELY BY THE COUNTY CLERK OF THE COUNTY  
11 OF WESTCHESTER, AND A RECORD OF THE AMENDMENT DESCRIBING THE WEAPONS  
12 INVOLVED SHALL BE FILED BY SUCH CLERK IN THE EXECUTIVE DEPARTMENT, DIVI-  
13 SION OF STATE POLICE, ALBANY. Notification of any change of residence  
14 shall be made in writing by any licensee within ten days after such  
15 change occurs, and a record of such change shall be inscribed by such  
16 licensee on the reverse side of his OR HER license. Elsewhere than in  
17 the city of New York, and in the counties of Nassau [and], Suffolk AND  
18 WESTCHESTER, such notification shall be made to the executive depart-  
19 ment, division of state police, Albany, and in the city of New York to  
20 the police commissioner of that city, and in the county of Nassau to the  
21 police commissioner of that county, and in the county of Suffolk to the  
22 licensing officer of that county, who shall, within ten days after such  
23 notification shall be received by him OR HER, give notice in writing of  
24 such change to the executive department, division of state police, at  
25 Albany. IN THE COUNTY OF WESTCHESTER, A PERSON LICENSED TO CARRY OR  
26 POSSESS A PISTOL OR REVOLVER SHALL NOTIFY THE COUNTY CLERK OF SUCH COUN-  
27 TY OF HIS OR HER CHANGE OF RESIDENCE IN WRITING WITHIN TEN DAYS OF SUCH  
28 CHANGE, AND SUCH COUNTY CLERK SHALL GIVE NOTICE IN WRITING OF SUCH  
29 CHANGE TO THE EXECUTIVE DEPARTMENT, DIVISION OF STATE POLICE, AT ALBANY,  
30 WITHIN TEN DAYS OF SUCH CLERK'S RECEIPT OF NOTIFICATION OF A CHANGE OF  
31 RESIDENCE. THE CHANGE OF RESIDENCE AMENDMENT SHALL BE GRANTED IMMEDIATE-  
32 LY BY THE COUNTY CLERK OF THE COUNTY OF WESTCHESTER.

33 S 2. This act shall take effect immediately and shall apply to  
34 licenses issued on or after such date.