S T A T E O F N E W Y O R K

2882--B

Cal. No. 241

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. KOON, PAULIN, MAYERSOHN, ZEBROWSKI, BOYLAND -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, BRENNAN, COLTON, HEASTIE, PERALTA, PERRY, PHEFFER, RAMOS, TOWNS -- read once and referred to the Committee on Codes -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:

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

4. (A) The superintendent of the division of state police shall establish and maintain within the division a criminal gun clearinghouse as a central repository of information regarding all guns seized, forfeited, found or otherwise coming into the possession of any state or local law enforcement agency which are believed to have been used in the commission of a crime. The superintendent of the division of state police shall adopt and promulgate regulations prescribing reporting procedures for such state or local law enforcement agencies, including the form for reporting such information. In addition to any other information which the superintendent of the division of state police may require, the form shall require [(a)] (I) the serial number or other identifying information on the gun, if available and [(b)] (II) a brief description of the circumstances under which the gun came into the possession of the law enforcement agency, including the crime which was or may have been committed with the gun.

(B) ANY EXPENDED PROJECTILE, EXPENDED SHELL CASING, OR GUN SEIZED, FOUND, OR OTHERWISE COMING INTO POSSESSION OF ANY STATE OR LOCAL LAW

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

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ENFORCEMENT AGENCY, WHICH IS BELIEVED TO HAVE BEEN USED IN THE COMMISSION OF A VIOLENT FELONY OFFENSE, AS DEFINED IN SUBDIVISION ONE OF SECTION 70.02 OF THE PENAL LAW, SHALL BE SUBMITTED TO THE DIVISION OF STATE POLICE, WHICH SHALL CAUSE TO BE ENTERED IN THE AUTOMATED ELECTRONIC DATABANK (ESTABLISHED PURSUANT TO SUBDIVISION SIX OF SECTION THREE HUNDRED NINETY-SIX-FF OF THE GENERAL BUSINESS LAW) PERTINENT DATA AND OTHER BALLISTIC INFORMATION RELEVANT TO IDENTIFICATION OF THE EXPENDED PROJECTILE, EXPENDED SHELL CASING, OR GUN. THE LAW ENFORCEMENT AGENCY SHALL RECORD A BRIEF DESCRIPTION OF THE CIRCUMSTANCES UNDER WHICH THE PROJECTILE, SHELL CASING, OR GUN CAME INTO ITS POSSESSION, INCLUDING ANY CRIME WHICH WAS OR MAY HAVE BEEN COMMITTED WITH THE PROJECTILE, SHELL CASING, OR GUN.

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

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