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

2908

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. KOON -- Multi-Sponsored by -- M. of A. BRADLEY -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to making trigger locks for firearms available to police and peace officers and providing for state assumption of the costs thereof

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

Section 1. The executive law is amended by adding a new section 837-dd to read as follows:

S 837-DD. TRIGGER LOCKS FOR POLICE AND PEACE OFFICERS. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS HAVE THE FOLLOWING MEANINGS:

(A) "ELIGIBLE POLICE OR PEACE OFFICER" MEANS A POLICE OFFICER AS DEFINED IN SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OR A PEACE OFFICER AS DEFINED IN SECTION 2.10 OF THE CRIMINAL PROCEDURE LAW WHOSE REGULAR DUTIES REQUIRE SUCH OFFICER TO CARRY A PISTOL OR REVOLVER;

(B) "TRIGGER LOCK" MEANS A REMOVABLE DEVICE THAT PREVENTS THE OPERATION OF THE TRIGGER OF A PISTOL OR REVOLVER;

(C) "MUNICIPAL CORPORATION" MEANS A COUNTY, CITY, TOWN, VILLAGE, OR POLICE DISTRICT;

(D) "PUBLIC AUTHORITY" MEANS AN INDEPENDENT AUTONOMOUS PUBLIC CORPORATION CREATED BY SPECIAL ACT OF THE LEGISLATURE;

(E) "PUBLIC BENEFIT CORPORATION" MEANS A CORPORATION ORGANIZED TO CONSTRUCT OR OPERATE A PUBLIC IMPROVEMENT WHOLLY WITHIN THE STATE;

(F) "STATE AGENCY" MEANS A DEPARTMENT, BOARD, BUREAU, COMMISSION, AGENCY, OR OTHER DIVISION OF STATE GOVERNMENT;

(G) "APPLICANT" MEANS A STATE AGENCY, MUNICIPAL CORPORATION, PUBLIC AUTHORITY, PUBLIC BENEFIT CORPORATION, OR THE HIGHEST OFFICIAL THEREOF.

2. AN APPLICANT WHICH IS AUTHORIZED TO EMPLOY AND EMPLOYS POLICE OR PEACE OFFICERS MAY APPLY TO THE COMMISSIONER FOR REIMBURSEMENT OF FUNDS EXPENDED FOR THE PURCHASE OF TRIGGER LOCKS FOR ELIGIBLE POLICE OR PEACE OFFICERS.

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

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3. REIMBURSEMENT SHALL BE MADE ONLY FOR TRIGGER LOCKS WHICH AT THE TIME OF PURCHASE MEET OR EXCEED THE MINIMUM STANDARDS AND SPECIFICATIONS IN EFFECT ON THAT DATE AS PRESCRIBED BY RULES AND REGULATIONS PROMULGATED PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION, AND SHALL BE LIMITED TO THE TOTAL AMOUNT APPROPRIATED FOR SUCH PURPOSE. REIMBURSEMENT FOR ANY TRIGGER LOCK SHALL NOT EXCEED AN AMOUNT WHICH IN THE JUDGMENT OF THE COMMISSIONER WOULD BE THE COST OF A TRIGGER LOCK CONFORMING TO MINIMUM STANDARDS AND SPECIFICATIONS IN EFFECT AT THE TIME THE TRIGGER LOCK WAS PURCHASED. SELECTION OF TRIGGER LOCKS SHALL BE A DETERMINATION TO BE MADE BY THE APPLICANT IN ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER. SUCH RULES AND REGULATIONS SHALL PROVIDE THAT, SUBJECT TO THE PROVISIONS OF SUBDIVISION SEVEN OF THIS SECTION, THE APPLICANT MAY SELECT FROM A RANGE OF TRIGGER LOCKS.

4. THE COMMISSIONER SHALL REQUIRE ANY APPLICANT SEEKING REIMBURSEMENT FOR TRIGGER LOCKS TO APPLY FOR ANY AVAILABLE FEDERAL FUNDS. ANY APPLICANT FAILING TO DO SO SHALL NOT BE ENTITLED TO REIMBURSEMENT UNDER THIS SECTION. THE COMMISSIONER MAY WAIVE SUCH FAILURE FOR GOOD CAUSE. THE COMMISSIONER SHALL MAINTAIN A PUBLIC RECORD OF ALL SUCH WAIVERS AND THE REASONS THEREFOR. REIMBURSEMENT MAY BE WITHHELD PENDING THE DETERMINATION OF AN APPLICATION FOR FEDERAL FUNDS.

5. AN APPLICANT FOR REIMBURSEMENT PURSUANT TO THIS SECTION SHALL REPORT THE NAME OF EACH ELIGIBLE POLICE OR PEACE OFFICER FOR WHOM REIMBURSEMENT IS SOUGHT. THE APPLICANT SHALL REPORT WHETHER SUCH ELIGIBLE POLICE OR PEACE OFFICER OR OFFICERS HAVE, AT ANY TIME DURING THE TEN YEARS IMMEDIATELY PRECEDING THE APPLICATION FOR REIMBURSEMENT, BEEN PROVIDED WITH ANY OTHER TRIGGER LOCK FOR WHICH REIMBURSEMENT PURSUANT TO THIS SECTION WAS PROVIDED, THE DATE OF ANY SUCH PRIOR REIMBURSEMENT, AND ANY OTHER INFORMATION THAT THE COMMISSIONER MAY REQUIRE FOR ACCURATE RECORD-KEEPING AND ACCOUNTABILITY AND FOR EVALUATION OF PERFORMANCE, WEAR AND OFFICER USE OF TRIGGER LOCKS.

6. THE AMOUNT OF ANY REIMBURSEMENT AUTHORIZED TO BE MADE PURSUANT TO SUBDIVISION THREE OF THIS SECTION SHALL BE REDUCED BY THE AMOUNT OF ANY FEDERAL FUNDS GRANTED TO THE APPLICANT FOR THE PURPOSE OF PURCHASING TRIGGER LOCKS, AND BY THE AMOUNT OF ANY OTHER FUNDS RECEIVED DIRECTLY OR INDIRECTLY FOR THAT PURPOSE BY THE APPLICANT.

7. THE COMMISSIONER SHALL PROMULGATE REGULATIONS PRESCRIBING STANDARDS AND SPECIFICATIONS FOR TRIGGER LOCKS AND PROCEDURES FOR TRIGGER LOCK SELECTION BY AND REIMBURSEMENT TO APPLICANTS.

8. NEITHER THE STATE NOR THE APPLICANT SHALL BE LIABLE TO ANY PERSON FOR THE DEATH OF OR INJURY TO ANY PERSON RESULTING FROM ANY DEFECT OR DEFICIENCY IN A TRIGGER LOCK FOR WHICH REIMBURSEMENT IS MADE OR FOR WHICH REIMBURSEMENT IS AVAILABLE PURSUANT TO THIS SECTION.

9. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT AN APPLICANT FROM EXPENDING ITS OWN FUNDS FOR TRIGGER LOCKS IN AMOUNTS EXCEEDING THE ESTABLISHED STATE REIMBURSEMENT LIMITATIONS. NOTHING IN THIS SECTION SHALL BE DEEMED TO PROHIBIT ANY APPLICANT FROM ACCEPTING A GIFT OF TRIGGER LOCKS.

10. THE COMMISSIONER IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO PROVIDE FOR THE ORDERLY EFFECTUATION OF THE PROVISIONS OF THIS SECTION.

11. THE COMMISSIONER SHALL ESTABLISH AND MAINTAIN A RECORD CONTAINING THE NAME OF EACH ELIGIBLE POLICE OR PEACE OFFICER WHO RECEIVES A TRIGGER LOCK FOR WHICH REIMBURSEMENT HAS BEEN PROVIDED PURSUANT TO THIS SECTION, THE APPLICANT TO WHOM REIMBURSEMENT FOR SUCH TRIGGER LOCK IS PROVIDED, THE DATE ON WHICH SUCH REIMBURSEMENT WAS PROVIDED AND ANY OTHER INFORMATION THAT THE COMMISSIONER MAY REQUIRE FOR ACCURATE RECORD-KEEPING AND

ACCOUNTABILITY AND FOR EVALUATION OF PERFORMANCE, WEAR, AND OFFICER USE OF TRIGGER LOCKS.

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