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

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I N A S S E M B L Y

April 13, 2009

Introduced by M. of A. PAULIN, EDDINGTON, GALEF, LANCMAN, PEOPLES, BOYLAND, DINOWITZ, ESPAILLAT, GABRYSZAK, HOOPER, HOYT, HYER-SPENCER, JAFFEE, KELLNER, MILLMAN, SCHIMEL, ERRIGO, McDONOUGH -- Multi-Sponsored by -- M. of A. BARRON, BRADLEY, CAMARA, GLICK, GOTTFRIED, JOHN, MAYERSOHN, PHEFFER, TITONE, WEINSTEIN -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the executive law, in relation to the establishment of a registry of information disqualifying certain persons from the purchase of a firearm

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-s to read as follows:

S 837-S. FEDERAL FIREARM DISQUALIFYING INFORMATION REGISTRY. 1. A REGISTRY OF INFORMATION DISQUALIFYING CERTAIN PERSONS FROM THE PURCHASE OF A FIREARM, AS DEFINED IN 18 USC 921(A)(3), IS HEREBY ESTABLISHED.

2. SUCH INFORMATION SHALL INCLUDE THOSE INDIVIDUALS WHO: (A) ARE UNDER INDICTMENT FOR OR CONVICTED OF A FELONY IN THIS STATE; (B) ARE FUGITIVES FROM JUSTICE IN ACCORDANCE WITH 18 USC 921(A)(15); (C) HAVE BEEN INVOLUNTARILY COMMITTED TO A MENTAL HYGIENE FACILITY PURSUANT TO SUBDIVISION THREE OF SECTION 300.10 OF THE CRIMINAL PROCEDURE LAW; (D) HAVE BEEN ADJUDICATED AN INCAPACITATED PERSON PURSUANT TO ARTICLE SEVEN HUNDRED THIRTY OF THE CRIMINAL PROCEDURE LAW; (E) ARE SUBJECT TO AN ORDER OF PROTECTION IN A DOMESTIC VIOLENCE CONTEXT; OR (F) HAVE BEEN CONVICTED OF A MISDEMEANOR IN A DOMESTIC VIOLENCE CONTEXT AGAINST A VICTIM OF DOMESTIC VIOLENCE AS DEFINED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED FIFTY-NINE-A OF THE SOCIAL SERVICES LAW. FOR PURPOSES OF THIS SECTION, A MISDEMEANOR CONVICTION SHALL BE INCLUDED IN THE REGISTRY IF A MISDEMEANOR CONVICTION RESULTS FROM AN ACT FOR WHICH LAW ENFORCEMENT PERSONNEL WERE REQUIRED TO COMPLETE A "DOMESTIC VIOLENCE INCIDENT REPORT FORM," AS

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

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DEFINED IN SUBDIVISION FIFTEEN OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THIS ARTICLE.

3. IN COOPERATION WITH THE CHIEF ADMINISTRATOR OF THE COURTS AS WELL AS ANY OTHER PUBLIC OR PRIVATE AGENCY, INCLUDING LAW ENFORCEMENT AGENCIES, THE DIVISION SHALL SUPPLY INFORMATION TO THE CRIMINAL JUSTICE INFORMATION SERVICES DIVISION OF THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF PROMPTLY RESPONDING TO A QUERY FROM A FEDERAL FIREARMS LICENSEE REGARDING AN INDIVIDUAL'S ATTEMPT TO PURCHASE OR OTHERWISE TAKE POSSESSION OF A FIREARM AS DEFINED IN 18 USC 921(A)(3). SUCH INFORMATION SHALL BE DISSEMINATED IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE DIVISION TO ASSURE THE SECURITY AND PRIVACY OF IDENTIFICATION AND INFORMATION DATA, WHICH SHALL INCLUDE THE EXECUTION OF AN AGREEMENT WHICH PROTECTS THE CONFIDENTIALITY OF THE INFORMATION.

4. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS DESIGNED TO ENSURE THE TIMELINESS, COMPLETENESS, CORRECTNESS AND CONFIDENTIALITY OF THE DATA CONTAINED IN THE REGISTRY, PRESCRIBING THE MANNER IN WHICH ENTRIES TO THE REGISTRY SHALL BE MADE, UPDATED AND CORRECTED, PRESCRIBING THE FORM AND MANNER IN WHICH ENTRIES AND INQUIRIES TO THE REGISTRY AND NOTICES TO OTHER AGENCIES AND ENTITIES SHALL BE MADE AND PROCESSED, AND ENSURING THE PROPER DISPOSITION AND CORRECTION OF ALL OBSOLETE AND INCORRECT REGISTRY DATA.

S 2. This act shall take effect on the ninetieth day after it shall have become law.