

801--B

Cal. No. 73

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PAULIN, COOK, SCHIMEL, ROSENTHAL, JAFFEE --
Multi-Sponsored by -- M. of A. ALFANO, BARRA, BRENNAN, CYMBROWITZ,
HOOPER, JOHN, PERRY, PHEFFER, TOWNS, WEINSTEIN -- read once and
referred to the Committee on Codes -- committee discharged, bill
amended, ordered reprinted as amended and recommitted to said commit-
tee -- reported from committee, advanced to a third reading, amended
and ordered reprinted, retaining its place on the order of third read-
ing

AN ACT to amend the penal law, in relation to providing for the expira-
tion and renewal of certain firearms licenses outside the city of New
York

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

1 Section 1. Subdivision 10 of section 400.00 of the penal law, as
2 amended by chapter 447 of the laws of 1997, is amended to read as
3 follows:
4 10. License: expiration[, certification] and renewal. Any license for
5 gunsmith or dealer in firearms and, in the city of New York, any license
6 to carry or possess a pistol or revolver, issued at any time pursuant to
7 this section or prior to the first day of July, nineteen hundred sixty-
8 three and not limited to expire on an earlier date fixed in the license,
9 shall expire not more than three years after the date of issuance. [In
10 the counties of Nassau, Suffolk and Westchester, any license to carry or
11 possess a pistol or revolver, issued at any time pursuant to this
12 section or prior to the first day of July, nineteen hundred sixty-three
13 and not limited to expire on an earlier date fixed in the license, shall
14 expire not more than five years after the date of issuance; however, in
15 the county of Westchester, any such license shall be certified prior to
16 the first day of April, two thousand, in accordance with a schedule to
17 be contained in regulations promulgated by the commissioner of the divi-

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

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1 sion of criminal justice services, and every such license shall be
2 recertified every five years thereafter. For purposes of this section
3 certification shall mean that the licensee shall provide to the licens-
4 ing officer the following information only: current name, date of
5 birth, current address, and the make, model, caliber and serial number
6 of all firearms currently possessed. Such certification information
7 shall be filed by the licensing officer in the same manner as an amend-
8 ment. Elsewhere than in the city of New York and the counties of Nassau,
9 Suffolk and Westchester, any license to carry or possess a pistol or
10 revolver, issued at any time pursuant to this section or prior to the
11 first day of July, nineteen hundred sixty-three and not previously
12 revoked or cancelled, shall be in force and effect until revoked as
13 herein provided.] ELSEWHERE THAN IN THE CITY OF NEW YORK ANY LICENSE TO
14 CARRY OR POSSESS A PISTOL OR REVOLVER, ISSUED AT ANY TIME PURSUANT TO
15 THIS SECTION OR PRIOR TO THE FIRST DAY OF JULY, NINETEEN HUNDRED SIXTY-
16 THREE AND NOT LIMITED TO EXPIRE ON AN EARLIER DATE FIXED IN THE LICENSE,
17 SHALL EXPIRE NOT MORE THAN FIVE YEARS AFTER THE DATE OF ISSUANCE,
18 PROVIDED THAT ELSEWHERE THAN IN THE CITY OF NEW YORK, NASSAU COUNTY AND
19 SUFFOLK COUNTY, THE DATE OF ISSUANCE OF ANY SUCH LICENSE FOR PURPOSES OF
20 DETERMINING THE EXPIRATION DATE OF SUCH LICENSE SHALL BE ESTABLISHED IN
21 ACCORDANCE WITH A SCHEDULE TO BE CONTAINED IN REGULATIONS PROMULGATED BY
22 THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES. Any
23 license not previously cancelled or revoked shall remain in full force
24 and effect for thirty days beyond the stated expiration date on such
25 license. Any application to renew a license that has not previously
26 expired, been revoked or cancelled shall thereby extend the term of the
27 license until disposition of the application by the licensing officer.
28 In the case of a license for gunsmith or dealer in firearms, in counties
29 having a population of less than two hundred thousand inhabitants,
30 photographs and fingerprints shall be submitted on original applications
31 and upon renewal thereafter only at six year intervals. Upon satisfac-
32 tory proof that a currently valid original license has been despoiled,
33 lost or otherwise removed from the possession of the licensee and upon
34 application containing an additional photograph of the licensee, the
35 licensing officer shall issue a duplicate license.

36 S 2. This act shall take effect immediately.