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

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2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to license to carry and possess firearms

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

Section 1. Section 400.00 of the penal law is amended by adding a new subdivision 1-a to read as follows:

1-A. QUALIFICATIONS. IN ADDITION TO THE REQUIREMENTS SET FORTH IN SUBDIVISION ONE OF THIS SECTION, NO LICENSE SHALL BE ISSUED OR RENEWED TO A PERSON WHO IS NOT IN THE BUSINESS OF GUNSMITH OR DEALER EXCEPT TO AN APPLICANT:

(A) WHO IS EIGHTEEN YEARS OF AGE OR OLDER; (B) WHO HAS SATISFACTORILY COMPLETED A COURSE, APPROVED BY THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES, OF NOT LESS THAN FIFTEEN HOURS IN (I) THE SAFE AND ACCURATE USE OF A PISTOL OR REVOLVER; (II) THE PROPER MAINTENANCE OF A PISTOL OR REVOLVER; (III) THE LAWS REGARDING POSSESSION AND USE OF A PISTOL OR REVOLVER; AND (IV) THE ADMINISTRATION OF FIRST AID TO PERSONS INJURED BY A PISTOL OR REVOLVER; AND (C) WHO CAN PROVE TO THE SATISFACTION OF THE LICENSING OFFICER AND THE SIGNATORY DISTRICT ATTORNEY OR ATTORNEYS THAT THERE IS AN EXTRAORDINARY LIKELIHOOD THAT SUCH PERSON MAY FIND HIMSELF OR HERSELF IN A SITUATION WHERE HE OR SHE MAY HAVE TO USE A PISTOL OR REVOLVER TO PROTECT HIMSELF, HERSELF OR OTHERS, FROM IMMINENT DANGER OF DEATH.

S 2. Section 400.00 of the penal law is amended by adding a new subdivision 5-a to read as follows:

5-A. APPROVAL. NO LICENSE FOR A PISTOL OR REVOLVER SHALL BE ISSUED OR RENEWED PURSUANT TO THIS SECTION BY THE LICENSING OFFICER, EXCEPT WITH THE WRITTEN AND SIGNED APPROVAL OF THE DISTRICT ATTORNEY OF THE COUNTY WHEREIN THE APPLICANT RESIDES OR, IN THE CASE WHERE THE APPLICANT

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

LBD02004-01-9

INTENDS TO USE SUCH PISTOL OR REVOLVER PRIMARILY IN A COUNTY OUTSIDE OF THE APPLICANT'S COUNTY OF RESIDENCE, WITH THE APPROVAL OF SUCH OTHER COUNTY'S DISTRICT ATTORNEY, OR IN THE CASE WHERE THE APPLICANT INTENDS TO USE SUCH PISTOL OR REVOLVER IN SEVERAL COUNTIES OUTSIDE OF THE APPLICANT'S COUNTY OF RESIDENCE, WITH THE APPROVAL OF THE DISTRICT ATTORNEY OF THE COUNTY WHEREIN THE APPLICANT RESIDES PLUS AT LEAST ONE DISTRICT ATTORNEY OF A COUNTY WHERE THE APPLICANT INTENDS TO USE SUCH PISTOL OR REVOLVER.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.