

4456

2009-2010 Regular Sessions

I N S E N A T E

April 23, 2009

Introduced by Sen. SCHNEIDERMAN -- 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 background checks for
employees of dealers in firearms

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

1 Section 1. The penal law is amended by adding a new section 400.15 to
2 read as follows:
3 S 400.15 BACKGROUND CHECK FOR EMPLOYEES OF DEALERS IN FIREARMS.
4 ALL EMPLOYEES OF A GUNSMITH OR A DEALER IN FIREARMS, WHOSE DUTIES
5 INCLUDE HANDLING, SELLING, TRANSPORTING, OR OTHERWISE DISPOSING OF
6 FIREARMS, SHALL BE REQUIRED TO UNDERGO A STATE AND NATIONAL CRIMINAL
7 HISTORY RECORD CHECK. THE EMPLOYER SHALL OBTAIN A SET OF FINGERPRINTS
8 FROM EACH INDIVIDUAL FOR WHOM A CRIMINAL BACKGROUND CHECK IS TO BE
9 COMPLETED AND SUCH OTHER INFORMATION AS IS REQUIRED BY THE DIVISION OF
10 CRIMINAL JUSTICE SERVICES. FOR EACH PROSPECTIVE EMPLOYEE SUBJECT TO
11 THESE PROVISIONS, THE GUNSMITH OR DEALER IN FIREARMS SHALL PROVIDE A
12 BLANK FINGERPRINT CARD AND A DESCRIPTION OF HOW THE COMPLETED FINGER-
13 PRINT CARD AND THE RESULTING RECORD WILL BE USED. THE GUNSMITH OR
14 FIREARMS DEALER SHALL PROMPTLY TRANSMIT SUCH FINGERPRINT CARD AND THE
15 PROCESSING FEE, IMPOSED PURSUANT TO SUBDIVISION EIGHT-A OF SECTION EIGHT
16 HUNDRED THIRTY-SEVEN OF THE EXECUTIVE LAW, TO THE DIVISION OF CRIMINAL
17 JUSTICE SERVICES FOR ITS FULL SEARCH AND RETAIN PROCESSING. NO PERSON
18 WHO IS PROHIBITED FROM HANDLING OR POSSESSING FIREARMS OR AMMUNITION BY
19 FEDERAL OR STATE LAW MAY BE EMPLOYED BY A GUNSMITH OR BY A DEALER IN
20 FIREARMS.
21 S 2. This act shall take effect on the ninetieth day after it shall
22 have become a law.

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

LBD08927-04-9