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

5345

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. LEIBELL -- 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 authorizing the county clerk to grant amendments to firearms licenses, under the Westchester county handgun record-keeping and accountability act

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

Section 1. Subdivisions 5 and 9 of section 400.00 of the penal law, subdivision 5 as amended by chapter 332 of the laws of 1994 and subdivision 9 as amended by chapter 172 of the laws of 1973, are amended to read as follows:

5. Filing of approved applications. The application for any license, if granted, shall be filed by the licensing officer with the clerk of the county of issuance, except that in the city of New York and, in the counties of Nassau and Suffolk, the licensing officer shall designate the place of filing in the appropriate division, bureau or unit of the police department thereof, and in the county of Suffolk the county clerk is hereby authorized to transfer all records or applications relating to firearms to the licensing authority of that county. The name and address of any person to whom an application for any license has been granted shall be a public record. Upon application by a licensee who has changed his OR HER place of residence such records or applications shall be transferred to the appropriate officer at the licensee's new place of residence. A duplicate copy of such application shall be filed by the licensing officer in the executive department, division of state police, Albany, within ten days after issuance of the license; PROVIDED, HOWEVER, THAT IN THE COUNTY OF WESTCHESTER THE COUNTY CLERK SHALL FILE A DUPLICATE COPY OF SUCH APPLICATION WITH THE EXECUTIVE DEPARTMENT, DIVISION OF STATE POLICE, ALBANY WITHIN TEN DAYS AFTER ISSUANCE OF THE LICENSE. Nothing in this subdivision shall be construed to change the

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

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expiration date or term of such licenses if otherwise provided for in law.

9. License: amendment. Elsewhere than in the city of New York OR COUNTY OF WESTCHESTER, a person licensed to carry or possess a pistol or revolver may apply at any time to his OR HER licensing officer for amendment of his OR HER license to [include] ADD one or more such weapons or to [cancel] REMOVE weapons held under license. If granted, a record of the amendment describing the weapons involved shall be filed by the licensing officer in the executive department, division of state police, Albany. IN THE COUNTY OF WESTCHESTER, A PERSON LICENSED TO CARRY OR POSSESS A PISTOL OR REVOLVER MAY APPLY AT ANY TIME TO THE COUNTY CLERK OF SUCH COUNTY FOR AMENDMENT TO HIS OR HER LICENSE TO ADD ONE OR MORE SUCH WEAPONS OR TO REMOVE WEAPONS HELD UNDER THE LICENSE. SUCH AMENDMENT SHALL BE GRANTED IMMEDIATELY BY THE COUNTY CLERK OF THE COUNTY OF WESTCHESTER, AND A RECORD OF THE AMENDMENT DESCRIBING THE WEAPONS INVOLVED SHALL BE FILED BY SUCH CLERK IN THE EXECUTIVE DEPARTMENT, DIVISION OF STATE POLICE, ALBANY. Notification of any change of residence shall be made in writing by any licensee within ten days after such change occurs, and a record of such change shall be inscribed by such licensee on the reverse side of his OR HER license. Elsewhere than in the city of New York, and in the counties of Nassau [and], Suffolk AND WESTCHESTER, such notification shall be made to the executive department, division of state police, Albany, and in the city of New York to the police commissioner of that city, and in the county of Nassau to the police commissioner of that county, and in the county of Suffolk to the licensing officer of that county, who shall, within ten days after such notification shall be received by him OR HER, give notice in writing of such change to the executive department, division of state police, at Albany. IN THE COUNTY OF WESTCHESTER, A PERSON LICENSED TO CARRY OR POSSESS A PISTOL OR REVOLVER SHALL NOTIFY THE COUNTY CLERK OF SUCH COUNTY OF HIS OR HER CHANGE OF RESIDENCE IN WRITING WITHIN TEN DAYS OF SUCH CHANGE, AND SUCH COUNTY CLERK SHALL GIVE NOTICE IN WRITING OF SUCH CHANGE TO THE EXECUTIVE DEPARTMENT, DIVISION OF STATE POLICE, AT ALBANY, WITHIN TEN DAYS OF SUCH CLERK'S RECEIPT OF NOTIFICATION OF A CHANGE OF RESIDENCE. THE CHANGE OF RESIDENCE AMENDMENT SHALL BE GRANTED IMMEDIATELY BY THE COUNTY CLERK OF THE COUNTY OF WESTCHESTER.

S 2. This act shall take effect immediately and shall apply to licenses issued on or after such date.