

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:

1 Section 1. Subdivisions 5 and 9 of section 400.00 of the penal law,
2 subdivision 5 as amended by chapter 332 of the laws of 1994 and subdivi-
3 sion 9 as amended by chapter 172 of the laws of 1973, are amended to
4 read as follows:
5 5. Filing of approved applications. The application for any license,
6 if granted, shall be filed by the licensing officer with the clerk of
7 the county of issuance, except that in the city of New York and, in the
8 counties of Nassau and Suffolk, the licensing officer shall designate
9 the place of filing in the appropriate division, bureau or unit of the
10 police department thereof, and in the county of Suffolk the county clerk
11 is hereby authorized to transfer all records or applications relating to
12 firearms to the licensing authority of that county. The name and address
13 of any person to whom an application for any license has been granted
14 shall be a public record. Upon application by a licensee who has changed
15 his OR HER place of residence such records or applications shall be
16 transferred to the appropriate officer at the licensee's new place of
17 residence. A duplicate copy of such application shall be filed by the
18 licensing officer in the executive department, division of state police,
19 Albany, within ten days after issuance of the license; PROVIDED, HOWEV-
20 ER, THAT IN THE COUNTY OF WESTCHESTER THE COUNTY CLERK SHALL FILE A
21 DUPLICATE COPY OF SUCH APPLICATION WITH THE EXECUTIVE DEPARTMENT, DIVI-
22 SION OF STATE POLICE, ALBANY WITHIN TEN DAYS AFTER ISSUANCE OF THE
23 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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1 expiration date or term of such licenses if otherwise provided for in
2 law.

3 9. License: amendment. Elsewhere than in the city of New York OR COUN-
4 TY OF WESTCHESTER, a person licensed to carry or possess a pistol or
5 revolver may apply at any time to his OR HER licensing officer for
6 amendment of his OR HER license to [include] ADD one or more such weap-
7 ons or to [cancel] REMOVE weapons held under license. If granted, a
8 record of the amendment describing the weapons involved shall be filed
9 by the licensing officer in the executive department, division of state
10 police, Albany. IN THE COUNTY OF WESTCHESTER, A PERSON LICENSED TO
11 CARRY OR POSSESS A PISTOL OR REVOLVER MAY APPLY AT ANY TIME TO THE COUN-
12 TY CLERK OF SUCH COUNTY FOR AMENDMENT TO HIS OR HER LICENSE TO ADD ONE
13 OR MORE SUCH WEAPONS OR TO REMOVE WEAPONS HELD UNDER THE LICENSE. SUCH
14 AMENDMENT SHALL BE GRANTED IMMEDIATELY BY THE COUNTY CLERK OF THE COUNTY
15 OF WESTCHESTER, AND A RECORD OF THE AMENDMENT DESCRIBING THE WEAPONS
16 INVOLVED SHALL BE FILED BY SUCH CLERK IN THE EXECUTIVE DEPARTMENT, DIVI-
17 SION OF STATE POLICE, ALBANY. Notification of any change of residence
18 shall be made in writing by any licensee within ten days after such
19 change occurs, and a record of such change shall be inscribed by such
20 licensee on the reverse side of his OR HER license. Elsewhere than in
21 the city of New York, and in the counties of Nassau [and], Suffolk AND
22 WESTCHESTER, such notification shall be made to the executive depart-
23 ment, division of state police, Albany, and in the city of New York to
24 the police commissioner of that city, and in the county of Nassau to the
25 police commissioner of that county, and in the county of Suffolk to the
26 licensing officer of that county, who shall, within ten days after such
27 notification shall be received by him OR HER, give notice in writing of
28 such change to the executive department, division of state police, at
29 Albany. IN THE COUNTY OF WESTCHESTER, A PERSON LICENSED TO CARRY OR
30 POSSESS A PISTOL OR REVOLVER SHALL NOTIFY THE COUNTY CLERK OF SUCH COUN-
31 TY OF HIS OR HER CHANGE OF RESIDENCE IN WRITING WITHIN TEN DAYS OF SUCH
32 CHANGE, AND SUCH COUNTY CLERK SHALL GIVE NOTICE IN WRITING OF SUCH
33 CHANGE TO THE EXECUTIVE DEPARTMENT, DIVISION OF STATE POLICE, AT ALBANY,
34 WITHIN TEN DAYS OF SUCH CLERK'S RECEIPT OF NOTIFICATION OF A CHANGE OF
35 RESIDENCE. THE CHANGE OF RESIDENCE AMENDMENT SHALL BE GRANTED IMMEDIATE-
36 LY BY THE COUNTY CLERK OF THE COUNTY OF WESTCHESTER.

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