

5489

2009-2010 Regular Sessions

I N   S E N A T E

May 12, 2009

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Introduced by Sen. ADAMS -- 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 the issuance of a license  
to carry a firearm

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

1     Section 1. Subdivision 1 of section 400.00 of the penal law, as  
2     amended by chapter 189 of the laws of 2000, is amended to read as  
3     follows:  
4     1. Eligibility. No license shall be issued or renewed pursuant to this  
5     section except by the licensing officer, and then only after investi-  
6     gation and finding that all statements in a proper application for a  
7     license are true. No license shall be issued or renewed except for an  
8     applicant (a) twenty-one years of age or older, provided, however, that  
9     where such applicant has been honorably discharged from the United  
10    States army, navy, marine corps, air force or coast guard, or the  
11    national guard of the state of New York, no such age restriction shall  
12    apply; (b) of good moral character; (c) who has not been convicted  
13    anywhere of a felony or a serious offense; (d) who has [stated whether  
14    he or she has] NOT HAD A GUARDIAN APPOINTED FOR THEM PURSUANT TO ANY  
15    PROVISION OF LAW, BASED ON A DETERMINATION THAT AS A RESULT OF MARKED  
16    SUBNORMAL INTELLIGENCE, MENTAL ILLNESS, INCAPACITY, CONDITION OR  
17    DISEASE, HE OR SHE LACKS THE MENTAL CAPACITY TO CONTRACT OR MANAGE THEIR  
18    OWN AFFAIRS OR ever suffered any mental illness or been confined to any  
19    hospital or institution, public or private, for mental illness; (e) who  
20    has not had a license revoked or who is not under a suspension or inel-  
21    igibility order issued pursuant to the provisions of section 530.14 of  
22    the criminal procedure law or section eight hundred forty-two-a of the  
23    family court act; (f) [in the county of Westchester,] who has success-  
24    fully completed a firearms safety course and test as evidenced by a  
25    certificate of completion issued in his or her name and endorsed and

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

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1 affirmed under the penalties of perjury by a duly authorized instructor,  
2 APPROVED BY THE SUPERINTENDENT OF STATE POLICE except that: (i) persons  
3 who are honorably discharged from the United States army, navy, marine  
4 corps, AIR FORCE or coast guard, or of the national guard of the state  
5 of New York, and produce evidence of official qualification in firearms  
6 during the term of service are not required to have completed those  
7 hours of a firearms safety course pertaining to the safe use, carrying,  
8 possession, maintenance and storage of a firearm; and (ii) persons who  
9 were licensed to possess a pistol or revolver prior to the effective  
10 date of this paragraph are not required to have completed a firearms  
11 safety course and test; and (g) concerning whom no good cause exists for  
12 the denial of the license. No person shall engage in the business of  
13 gunsmith or dealer in firearms unless licensed pursuant to this section.  
14 An applicant to engage in such business shall also be a citizen of the  
15 United States, more than twenty-one years of age and maintain a place of  
16 business in the city or county where the license is issued. For such  
17 business, if the applicant is a firm or partnership, each member thereof  
18 shall comply with all of the requirements set forth in this subdivision  
19 and if the applicant is a corporation, each officer thereof shall so  
20 comply.

21 S 2. This act shall take effect on the one hundred twentieth day after  
22 it shall have become a law.