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

8587

2011-2012 Regular Sessions

I N  A S S E M B L Y

September 21, 2011

Introduced by M. of A. D. MILLER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law and the environmental conservation law, in relation to exempting veterans of the armed forces from hunting and gun licensing fees and to allow veterans of the armed forces to retain combat firearms purchased from the United States

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

Section 1. Subdivision 14 of section 400.00 of the penal law, as amended by chapter 195 of the laws of 2005, is amended to read as follows:

14. Fees. In the city of New York and the county of Nassau, the annual license fee shall be twenty-five dollars for gunsmiths and fifty dollars for dealers in firearms. In such city, the city council and in the county of Nassau the Board of Supervisors shall fix the fee to be charged for a license to carry or possess a pistol or revolver and provide for the disposition of such fees. Elsewhere in the state, the licensing officer shall collect and pay into the county treasury the following fees: for each license to carry or possess a pistol or revolver, not less than three dollars nor more than ten dollars as may be determined by the legislative body of the county; for each amendment thereto, three dollars, and five dollars in the county of Suffolk; and for each license issued to a gunsmith or dealer in firearms, ten dollars. The fee for a duplicate license shall be five dollars PROVIDED, HOWEVER, A VETERAN AS DEFINED IN U.S.C. TITLE THIRTY-EIGHT OF SECTION ONE HUNDRED ONE UPON SUBMISSION OF VALID PROOF OF SERVICE SHALL BE CHARGED NO FEES FOR A DUPLICATE LICENSE. The fee for processing a license transfer between counties shall be five dollars PROVIDED, HOWEVER, A VETERAN AS DEFINED IN U.S.C TITLE THIRTY-EIGHT OF SECTION ONE HUNDRED ONE UPON SUBMISSION OF VALID PROOF OF SERVICE SHALL BE CHARGED NO FEES FOR THE PROCESSING OF A LICENSE TRANSFER BETWEEN COUNTIES. The fee for processing a license

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

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or renewal thereof for a qualified retired police officer as defined under subdivision thirty-four of section 1.20 of the criminal procedure law, or a qualified retired sheriff, undersheriff, or deputy sheriff of the city of New York as defined under subdivision two of section 2.10 of the criminal procedure law, or a qualified retired bridge and tunnel officer, sergeant or lieutenant of the triborough bridge and tunnel authority as defined under subdivision twenty of section 2.10 of the criminal procedure law, or a qualified retired uniformed court officer in the unified court system, or a qualified retired court clerk in the unified court system in the first and second judicial departments, as defined in paragraphs a and b of subdivision twenty-one of section 2.10 of the criminal procedure law or a retired correction officer as defined in subdivision twenty-five of section 2.10 of the criminal procedure law, OR A VETERAN AS DEFINED IN U.S.C. TITLE THIRTY-EIGHT OF SECTION ONE HUNDRED ONE UPON SUBMISSION OF VALID PROOF OF SERVICE, shall be waived in all counties throughout the state.

S 2. Subdivision 2 of section 11-0715 of the environmental conservation law, as amended by section 3 of part KK of chapter 59 of the laws of 2009, is amended to read as follows:

2. A member of the Shinnecock tribe or the Poospatuck tribe or a member of the six nations, residing on any reservation wholly or partly within the state, is entitled to receive free of charge a fishing license, a small and big game license, a sportsman license, a muzzle-loading stamp, a trapping license, and a bow hunting stamp; a resident of the state who is a member of the United States armed forces in active service who is not stationed within the state and has not been herein longer than thirty days on leave or furlough, is entitled to receive free of charge a fishing license, a small and big game license, and a trapping license; a resident of the state who is an active member of the organized militia of the state of New York as defined by section one of the military law, or the reserve components of the armed forces of the United States, and excluding members of the inactive national guard and individual ready reserve, is entitled to receive free of charge a fishing license, a small and big game license, and a trapping license; and a resident who is blind is entitled to receive a fishing license free of charge. For the purposes of this subdivision a person is blind only if either: (a) his or her central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or (b) his or her visual acuity is greater than 20/200 but is accompanied by a limitation of the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

A resident in the state for a period of thirty days immediately prior to the date of application who has attained the age of seventy is entitled to receive a sportsman license at the cost of ten dollars as a license fee.

A resident in the state for a period of thirty days immediately prior to the date of application who has attained the age of seventy is entitled to receive a fishing license, and a trapping license, at a cost of five dollars for each license.

A resident in the state for a period of thirty days immediately prior to the date of application who has attained the age of seventy is entitled to receive free of charge a bowhunting stamp and a muzzle-loading stamp.

A RESIDENT IN THE STATE FOR A PERIOD OF THIRTY DAYS IMMEDIATELY PRIOR TO THE DATE OF APPLICATION WHO IS A VETERAN AS DEFINED IN U.S.C. TITLE THIRTY-EIGHT OF SECTION ONE HUNDRED ONE UPON SUBMISSION OF VALID PROOF

OF SERVICE SHALL BE ENTITLED TO RECEIVE FREE OF CHARGE A FISHING LICENSE, A SMALL AND BIG GAME LICENSE, A SPORTSMAN LICENSE, A MUZZLE-LOADING STAMP, A TRAPPING LICENSE, AND A BOW HUNTING STAMP.

S 3. Paragraphs a and c of subdivision 3 of section 11-0715 of the environmental conservation law, as amended by section 4 of part KK of chapter 59 of the laws of 2009, are amended to read as follows:

a. In the case of persons who have been residents of the state for more than thirty days immediately preceding the date of application or who are enrolled in a full-time course at a college or university within the state and who are in residence in the state for the school year, Indians residing off reservations in the state and members of the United States armed forces in active service stationed in this state regardless of place of residence at the time of entry into service PROVIDED, HOWEVER, UPON SUBMISSION OF VALID PROOF OF SERVICE NO VETERAN AS DEFINED IN U.S.C. TITLE THIRTY-EIGHT OF SECTION ONE HUNDRED ONE, SHALL BE REQUIRED TO PAY ANY FEES FOR THE PROCESSING OF A LICENSE:

| License | Fee |
|---|---|
| (1) Super-sportsman | $88.00 |
| (2) Trapper Super-sportsman | $88.00 |
| (3) Sportsman | $47.00 |
| (4) Small and big game | $29.00 |
| (5) Fishing | $29.00 |
| (6) Trapping | $21.00 |
| (7) Small game | $26.00 |
| (8) Junior trapping | $ 6.00 |
| (9) Muzzle-loading stamp | $21.00 |
| (10) Bowhunting stamp | $21.00 |
| (11) Turkey permit | $10.00 |
| (12) Seven-day fishing | $15.00 |
| (13) Conservation legacy | $96.00 |
| (14) One-day fishing | $ 5.00 |

c. In all cases THE FEES IN SUBPARAGRAPHS ONE THROUGH SIX OF THIS PARAGRAPH SHALL APPLY PROVIDED, HOWEVER, UPON SUBMISSION OF VALID PROOF OF SERVICE NO VETERAN AS DEFINED IN U.S.C. TITLE THIRTY-EIGHT OF SECTION ONE HUNDRED ONE, SHALL BE REQUIRED TO PAY SUCH FEES:

| | |
|---|---|
| (1) Certificates in lieu of lost license or stamp or tag | $ 5.00 |
| (2) Duplicate for lost or destroyed permit, button or tag | $10.00 |
| (3) Junior hunting license | $ 5.00 |
| (4) Junior archery license | $ 9.00 |
| (5) One-day fishing license | $15.00 |
| (6) Conservation patron license | $12.00 |

S 4. Subdivision 4 of section 11-0715 of the environmental conservation law, as amended by section 5 of part KK of chapter 59 of the laws of 2009, is amended to read as follows:

4. A [person,] VETERAN AS DEFINED IN U.S.C. TITLE THIRTY-EIGHT OF SECTION ONE HUNDRED ONE, WHO IS A resident in the state for at least thirty days immediately prior to the date of application, [who has been honorably discharged from service in the armed forces of the United States and certified as having a forty percent or greater service-connected disability] UPON SUBMISSION OF VALID PROOF OF SERVICE is entitled to receive all licenses, stamps, tags, buttons, and permits authorized by this title for which he or she is eligible[, except turkey permits, renewable] RENEWED each year [for a five dollar fee] FREE OF CHARGE.

S 5. Section 400.00 of the penal law is amended by adding a new subdivision 18 to read as follows:

18. FEDERAL FIREARMS LICENSEES. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, INDIVIDUALS WHO HAVE SUCCESSFULLY APPLIED FOR AND OBTAINED A FEDERAL FIREARMS LICENSE SHALL BE CONSIDERED LAWFULLY LICENSED TO CARRY A FIREARM WITHIN THE STATE OF NEW YORK.

S 6. The penal law is amended by adding a new section 400.02 to read as follows;

S 400.02 LICENSE TO POSSESS FIREARMS PREVIOUSLY USED IN COMBAT FOR VETERANS OF THE UNITED STATES ARMED FORCES.

1. A LICENSE TO CARRY OR POSSESS A FIREARM FOR ANY MILITARY VETERAN WHO HAS PURCHASED THEIR COMBAT FIREARM FROM THE UNITED STATES GOVERNMENT SHALL BE GRANTED IN THE SAME MANNER AND UPON THE SAME TERMS AND CONDITIONS AS LICENSES ISSUED UNDER SECTION 400.00 OF THIS ARTICLE PROVIDED, HOWEVER, THAT: APPLICATIONS FOR SUCH LICENSE SHALL BE MADE TO AND LICENSED BY, THE SUPERINTENDENT OF STATE POLICE; SUCH LICENSE SHALL BE ISSUED FREE OF CHARGE TO THE VETERAN; AND THE FIREARM NEED NOT BE A PISTOL OR REVOLVER AND NEED NOT BE ALTERED OR RETROFITTED FROM ITS ORIGINALLY MANUFACTURED CONDITION.

2. FOR PURPOSES OF THIS SECTION, A "MILITARY VETERAN" SHALL MEAN A FORMER MEMBER OF THE UNITED STATES ARMED FORCES, WHO UPON SEPARATION FROM THE MILITARY WAS HONORABLY DISCHARGED AND WAS ALLOWED TO PURCHASE THEIR COMBAT WEAPON AT THE END OF THEIR SERVICE.

3. THE PROVISIONS OF THIS SECTION SHALL ONLY APPLY TO INDIVIDUAL LICENSE APPLICATIONS MADE OR RENEWALS WHICH MUST BE MADE ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION AND SHALL NOT APPLY TO A LICENSE FOR GUNSMITH OR DEALER IN FIREARMS.

S 7. This act shall take effect immediately.