

2488--B

Cal. No. 266

2011-2012 Regular Sessions

I N S E N A T E

January 24, 2011

Introduced by Sens. GRIFFO, RANZENHOFER, DeFRANCISCO, JOHNSON, LANZA, LARKIN, LIBOUS, LITTLE, NOZZOLIO, RITCHIE, YOUNG, ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the penal law, in relation to pistol permit privacy

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

1 Section 1. Subdivision 5 of section 400.00 of the penal law, as
2 amended by chapter 332 of the laws of 1994, is amended to read as
3 follows:
4 5. Filing of approved applications. (A) The application for any
5 license, if granted, shall be filed by the licensing officer with the
6 clerk of the county of issuance, except that in the city of New York
7 and, in the counties of Nassau and Suffolk, the licensing officer shall
8 designate the place of filing in the appropriate division, bureau or
9 unit of the police department thereof, and in the county of Suffolk the
10 county clerk is hereby authorized to transfer all records or applica-
11 tions relating to firearms to the licensing authority of that county.
12 The name and address of any person to whom an application for any
13 license has been granted shall be [a public record] CONFIDENTIAL AND
14 SHALL NOT BE MADE AVAILABLE EXCEPT AS SET FORTH IN PARAGRAPH (B) OF THIS
15 SUBDIVISION. Upon application by a licensee who has changed his place
16 of residence such records or applications shall be transferred to the
17 appropriate officer at the licensee's new place of residence. A dupli-
18 cate copy of such application shall be filed by the licensing officer in
19 the executive department, division of state police, Albany, within ten
20 days after issuance of the license. Nothing in this subdivision shall be

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

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1 construed to change the expiration date or term of such licenses if
2 otherwise provided for in law.

3 (B) THE DIVISION OF STATE POLICE SHALL MAINTAIN AN AUTOMATED LISTING
4 OF EVERY LICENSE HOLDER ISSUED A LICENSE FOR A PISTOL OR REVOLVER PURSU-
5 ANT TO THIS SECTION. SUCH LISTING SHALL BE MADE AVAILABLE, UPON REQUEST,
6 PROVIDED, THAT:

7 (I) ONLY REQUESTS RELATING TO A NAMED LICENSEE SHALL BE HONORED OR
8 MADE AVAILABLE ONLINE; AND

9 (II) A REQUEST FOR THE ENTIRE LIST OF LICENSEES, OR FOR ALL LICENSEES
10 IN A GEOGRAPHIC AREA, SHALL BE DENIED, EXCEPT TO ANY LAW ENFORCEMENT
11 AGENCY OR ANY ENTITY ACTING ON BEHALF OF OR PROVIDING SERVICES TO ANY
12 LAW ENFORCEMENT AGENCY.

13 FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "LAW ENFORCEMENT AGEN-
14 CY" SHALL MEAN THE DIVISION OF STATE POLICE, ANY NEW YORK STATE COUNTY
15 SHERIFF'S DEPARTMENT, ANY POLICE DEPARTMENT OF ANY CITY, VILLAGE OR TOWN
16 WITHIN NEW YORK STATE, THE POLICE FORCE OF ANY NEW YORK STATE AUTHORITY
17 OR AGENCY, THE STATE POLICE FORCE OF ANY OTHER STATE, ANY FEDERAL LAW
18 ENFORCEMENT AGENCY AND ANY DISTRICT ATTORNEY OFFICE IN NEW YORK STATE.

19 S 2. This act shall take effect immediately.