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

725

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. PERALTA -- 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 providing for the expiration and renewal of certain firearms licenses outside the city of New York

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

Section 1. Subdivision 10 of section 400.00 of the penal law, as amended by chapter 447 of the laws of 1997, is amended to read as follows:

10. License: expiration[, certification] and renewal. Any license for gunsmith or dealer in firearms and, in the city of New York, any license to carry or possess a pistol or revolver, issued at any time pursuant to this section or prior to the first day of July, nineteen hundred sixty-three and not limited to expire on an earlier date fixed in the license, shall expire not more than three years after the date of issuance. [In the counties of Nassau, Suffolk and Westchester, any license to carry or possess a pistol or revolver, issued at any time pursuant to this section or prior to the first day of July, nineteen hundred sixty-three and not limited to expire on an earlier date fixed in the license, shall expire not more than five years after the date of issuance; however, in the county of Westchester, any such license shall be certified prior to the first day of April, two thousand, in accordance with a schedule to be contained in regulations promulgated by the commissioner of the division of criminal justice services, and every such license shall be recertified every five years thereafter. For purposes of this section certification shall mean that the licensee shall provide to the licensing officer the following information only: current name, date of birth, current address, and the make, model, caliber and serial number of all firearms currently possessed. Such certification information

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

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shall be filed by the licensing officer in the same manner as an amendment. Elsewhere than in the city of New York and the counties of Nassau, Suffolk and Westchester, any license to carry or possess a pistol or revolver, issued at any time pursuant to this section or prior to the first day of July, nineteen hundred sixty-three and not previously revoked or cancelled, shall be in force and effect until revoked as herein provided.] ELSEWHERE THAN IN THE CITY OF NEW YORK ANY LICENSE TO CARRY OR POSSESS A PISTOL OR REVOLVER, ISSUED AT ANY TIME PURSUANT TO THIS SECTION OR PRIOR TO THE FIRST DAY OF JULY, NINETEEN HUNDRED SIXTY-THREE AND NOT LIMITED TO EXPIRE ON AN EARLIER DATE FIXED IN THE LICENSE, SHALL EXPIRE NOT MORE THAN FIVE YEARS AFTER THE DATE OF ISSUANCE, PROVIDED THAT ELSEWHERE THAN IN THE CITY OF NEW YORK, NASSAU COUNTY AND SUFFOLK COUNTY, THE DATE OF ISSUANCE OF ANY SUCH LICENSE FOR PURPOSES OF DETERMINING THE EXPIRATION DATE OF SUCH LICENSE SHALL BE ESTABLISHED IN ACCORDANCE WITH A SCHEDULE TO BE CONTAINED IN REGULATIONS PROMULGATED BY THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES. Any license not previously cancelled or revoked shall remain in full force and effect for thirty days beyond the stated expiration date on such license. Any application to renew a license that has not previously expired, been revoked or cancelled shall thereby extend the term of the license until disposition of the application by the licensing officer. In the case of a license for gunsmith or dealer in firearms, in counties having a population of less than two hundred thousand inhabitants, photographs and fingerprints shall be submitted on original applications and upon renewal thereafter only at six year intervals. Upon satisfactory proof that a currently valid original license has been despoiled, lost or otherwise removed from the possession of the licensee and upon application containing an additional photograph of the licensee, the licensing officer shall issue a duplicate license.

S 2. This act shall take effect immediately.