

4405

2011-2012 Regular Sessions

I N A S S E M B L Y

February 3, 2011

Introduced by M. of A. KAVANAGH, PHEFFER, PEOPLES-STOKES, JAFFEE, MAYER-SOHN, CAMARA, ROBINSON, BROOK-KRASNY, AUBRY, LAVINE -- Multi-Sponsored by -- M. of A. GANTT, GLICK, GOTTFRIED, HOOPER, LIFTON, McDONOUGH, MENG, WEISENBERG, WRIGHT -- read once and referred 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 ASSEMBLY, 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

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

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

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