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

S. 2230 A. 2388

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

January 14, 2013

IN SENATE -- Introduced by Sens. KLEIN, SMITH -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by M. of A. SILVER, LENTOL, ORTIZ, MORELLE, FARRELL, WEINSTEIN, CAMARA, HOOPER, O'DONNELL, TITONE, PAULIN, MOYA, GLICK, WRIGHT, SCHIMEL, GOTTFRIED, ROSENTHAL, KAVANAGH, STECK, WEPRIN -- Multi-Sponsored by -- M. of A. ABINANTI, BOYLAND, BRENNAN, BROOK-KRASNY, BUCHWALD, CASTRO, COLTON, DINOWITZ, ENGLEBRIGHT, ESPINAL, FAHY, JACOBS, JAFFEE, KELLNER, KIM, LAVINE, LIFTON, MARKEY, MAYER, MILLMAN, MOSLEY, OTIS, ROSA, ROZIC -- (at request of the Governor) -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, the correction law, the family court act, the executive law, the general business law, the judiciary law, the mental hygiene law, the penal law and the surrogate's court procedure act, in relation to suspension and revocation of firearms licenses; private sale or disposal of firearms, rifles or shotguns and establishing a minimum age to possess a firearm; to amend the family court act, the domestic relations law and the criminal procedure law, in relation to providing for the mandatory suspension or revocation of the firearms license of a person against whom an order of protection or a temporary order of protection has been issued under certain circumstances, or upon violation of any such order; to amend the penal law, in relation to community guns and the criminal sale of a firearm and in relation to the definitions of aggravated and first degree murder; to amend chapter 408 of the laws of 1999 constituting Kendra's Law, in relation to extending the expiration thereof; and to amend the education law, in relation to the New York state school safety improvement teams; and in relation to building aid for metal detectors and safety devices

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

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

LBD12007-03-3

Section 1. Section 330.20 of the criminal procedure law is amended by adding a new subdivision 2-a to read as follows:

2-A. FIREARM, RIFLE OR SHOTGUN SURRENDER ORDER. UPON ENTRY OF A VERDICT OF NOT RESPONSIBLE BY REASON OF MENTAL DISEASE OR DEFECT, OR UPON THE ACCEPTANCE OF A PLEA OF NOT RESPONSIBLE BY REASON OF MENTAL DISEASE OR DEFECT, OR UPON A FINDING THAT THE DEFENDANT IS AN INCAPACITATED PERSON PURSUANT TO ARTICLE SEVEN HUNDRED THIRTY OF THIS CHAPTER, THE COURT SHALL REVOKE THE DEFENDANT'S FIREARM LICENSE, IF ANY, INQUIRE OF THE DEFENDANT AS TO THE EXISTENCE AND LOCATION OF ANY FIREARM, RIFLE OR SHOTGUN OWNED OR POSSESSED BY SUCH DEFENDANT AND DIRECT THE SURRENDER OF SUCH FIREARM, RIFLE OR SHOTGUN PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW.

S 2. The criminal procedure law is amended by adding a new section 380.96 to read as follows:

S 380.96 OBLIGATION OF SENTENCING COURT PURSUANT TO ARTICLE FOUR HUNDRED OF THE PENAL LAW.

UPON JUDGMENT OF CONVICTION OF ANY OFFENSE WHICH WOULD REQUIRE THE SEIZURE OF FIREARMS, SHOTGUNS OR RIFLES FROM AN INDIVIDUAL SO CONVICTED, AND THE REVOCATION OF ANY LICENSE OR REGISTRATION ISSUED PURSUANT TO ARTICLE FOUR HUNDRED OF THE PENAL LAW, THE JUDGE PRONOUNCING SENTENCE SHALL DEMAND SURRENDER OF ANY SUCH LICENSE OR REGISTRATION AND ALL FIREARMS, SHOTGUNS AND RIFLES. THE FAILURE TO SO DEMAND SURRENDER SHALL NOT EFFECT THE VALIDITY OF ANY REVOCATION PURSUANT TO ARTICLE FOUR HUNDRED OF THE PENAL LAW.

S 3. Section 404 of the correction law is amended by adding a new subdivision 3 to read as follows:

3. WITHIN A REASONABLE PERIOD PRIOR TO DISCHARGE OF AN INMATE COMMITTED FROM A STATE CORRECTIONAL FACILITY FROM A HOSPITAL IN THE DEPARTMENT OF MENTAL HYGIENE TO THE COMMUNITY, THE DIRECTOR SHALL ENSURE THAT A CLINICAL ASSESSMENT HAS BEEN COMPLETED TO DETERMINE WHETHER THE INMATE MEETS THE CRITERIA FOR ASSISTED OUTPATIENT TREATMENT PURSUANT TO SUBDIVISION (C) OF SECTION 9.60 OF THE MENTAL HYGIENE LAW. IF, AS A RESULT OF SUCH ASSESSMENT, THE DIRECTOR DETERMINES THAT THE INMATE MEETS SUCH CRITERIA, PRIOR TO DISCHARGE THE DIRECTOR OF THE HOSPITAL SHALL EITHER PETITION FOR A COURT ORDER PURSUANT TO SECTION 9.60 OF THE MENTAL HYGIENE LAW, OR REPORT IN WRITING TO THE DIRECTOR OF COMMUNITY SERVICES OF THE LOCAL GOVERNMENTAL UNIT IN WHICH THE INMATE IS EXPECTED TO RESIDE SO THAT AN INVESTIGATION MAY BE CONDUCTED PURSUANT TO SECTION 9.47 OF THE MENTAL HYGIENE LAW.

S 4. Subdivisions 1, 2 and 3 of section 842-a of the family court act, as added by chapter 644 of the laws of 1996, paragraph (a) of subdivision 1 as amended by chapter 434 of the laws of 2000, the opening paragraph of subdivision 3 as amended by chapter 597 of the laws of 1998, paragraph (a) of subdivision 3 as amended by chapter 635 of the laws of 1999, are amended to read as follows:

1. [Mandatory and permissive suspension] SUSPENSION of firearms license and ineligibility for such a license upon the issuance of a temporary order of protection. Whenever a temporary order of protection is issued pursuant to section eight hundred twenty-eight of this article, OR PURSUANT TO ARTICLE FOUR, FIVE, SIX, SEVEN OR TEN OF THIS ACT:

(a) the court shall suspend any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION

400.05 OF THE PENAL LAW, of any or all firearms owned or possessed where the court receives information that gives the court good cause to believe that: (i) the respondent has a prior conviction of any violent felony offense as defined in section 70.02 of the penal law; (ii) the respondent has previously been found to have willfully failed to obey a prior order of protection and such willful failure involved (A) the infliction of [serious] physical injury, as defined in subdivision [ten] NINE of section 10.00 of the penal law, (B) the use or threatened use of a deadly weapon or dangerous instrument as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law, or (C) behavior constituting any violent felony offense as defined in section 70.02 of the penal law; or (iii) the respondent has a prior conviction for stalking in the first degree as defined in section 120.60 of the penal law, stalking in the second degree as defined in section 120.55 of the penal law, stalking in the third degree as defined in section 120.50 of the penal law or stalking in the fourth degree as defined in section 120.45 of such law; and

(b) the court [may] SHALL where the court finds a substantial risk that the respondent may use or threaten to use a firearm unlawfully against the person or persons for whose protection the temporary order of protection is issued, suspend any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed.

2. [Mandatory and permissive revocation] REVOCATION or suspension of firearms license and ineligibility for such a license upon the issuance of an order of protection. Whenever an order of protection is issued pursuant to section eight hundred forty-one of this part, OR PURSUANT TO ARTICLE FOUR, FIVE, SIX, SEVEN OR TEN OF THIS ACT:

(a) the court shall revoke any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed where the court finds that the conduct which resulted in the issuance of the order of protection involved (i) the infliction of [serious] physical injury, as defined in subdivision [ten] NINE of section 10.00 of the penal law, (ii) the use or threatened use of a deadly weapon or dangerous instrument as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law, or (iii) behavior constituting any violent felony offense as defined in section 70.02 of the penal law; and

(b) the court [may] SHALL, where the court finds a substantial risk that the respondent may use or threaten to use a firearm unlawfully against the person or persons for whose protection the order of protection is issued, (i) revoke any such existing license possessed by the respondent, order the respondent ineligible for such a license and order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed or (ii) suspend or continue to suspend any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF

SECTION 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed.

3. [Mandatory and permissive revocation] REVOCATION or suspension of firearms license and ineligibility for such a license upon a finding of a willful failure to obey an order of protection OR TEMPORARY ORDER OF PROTECTION. Whenever a respondent has been found, pursuant to section eight hundred forty-six-a of this part to have willfully failed to obey an order of protection OR TEMPORARY ORDER OF PROTECTION issued PURSUANT TO THIS ACT OR THE DOMESTIC RELATIONS LAW, OR by this court or [an order of protection issued] by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, in addition to any other remedies available pursuant to section eight hundred forty-six-a of this part:

(a) the court shall revoke any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed where the willful failure to obey such order involves (i) the infliction of [serious] physical injury, as defined in subdivision [ten] NINE of section 10.00 of the penal law, (ii) the use or threatened use of a deadly weapon or dangerous instrument as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law, or (iii) behavior constituting any violent felony offense as defined in section 70.02 of the penal law; or (iv) behavior constituting stalking in the first degree as defined in section 120.60 of the penal law, stalking in the second degree as defined in section 120.55 of the penal law, stalking in the third degree as defined in section 120.50 of the penal law or stalking in the fourth degree as defined in section 120.45 of such law; and

(b) the court [may] SHALL where the court finds a substantial risk that the respondent may use or threaten to use a firearm unlawfully against the person or persons for whose protection the order of protection was issued, (i) revoke any such existing license possessed by the respondent, order the respondent ineligible for such a license, whether or not the respondent possesses such a license, and order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed or (ii) suspend any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender of any or all firearms owned or possessed.

S 5. Section 846-a of the family court act, as amended by chapter 597 of the laws of 1998, is amended to read as follows:

S 846-a. Powers on failure to obey order. If a respondent is brought before the court for failure to obey any lawful order issued under this article or an order of protection OR TEMPORARY ORDER OF PROTECTION issued PURSUANT TO THIS ACT OR ISSUED by a court of competent jurisdiction of another state, territorial or tribal jurisdiction [in a proceeding] and if, after hearing, the court is satisfied by competent proof that the respondent has willfully failed to obey any such order, the court may modify an existing order OR TEMPORARY ORDER OF PROTECTION to add reasonable conditions of behavior to the existing order [of protection], make a new order of protection in accordance with section eight hundred forty-two OF THIS PART, may order the forfeiture of bail in a manner consistent with article five hundred forty of the criminal

procedure law if bail has been ordered pursuant to this act, may order the respondent to pay the petitioner's reasonable and necessary counsel fees in connection with the violation petition where the court finds that the violation of its order was willful, and may commit the respondent to jail for a term not to exceed six months. Such commitment may be served upon certain specified days or parts of days as the court may direct, and the court may, at any time within the term of such sentence, revoke such suspension and commit the respondent for the remainder of the original sentence, or suspend the remainder of such sentence. If the court determines that the willful failure to obey such order involves violent behavior constituting the crimes of menacing, reckless endangerment, assault or attempted assault and if such a respondent is licensed to carry, possess, repair and dispose of firearms pursuant to section 400.00 of the penal law, the court may also immediately revoke such license and may arrange for the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW, and disposal of any firearm such respondent owns or possesses. If the willful failure to obey such order involves the infliction of [serious] physical injury as defined in subdivision [ten] NINE of section 10.00 of the penal law or the use or threatened use of a deadly weapon or dangerous instrument, as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law, such revocation and immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW SIX and disposal of any firearm owned or possessed by respondent shall be mandatory, pursuant to subdivision eleven of section 400.00 of the penal law.

S 6. The family court act is amended by adding a new section 446-a to read as follows:

S 446-A. FIREARMS; SURRENDER AND LICENSE SUSPENSION, REVOCATION AND INELIGIBILITY. UPON THE ISSUANCE OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, OR UPON A VIOLATION OF SUCH ORDER, THE COURT SHALL MAKE A DETERMINATION REGARDING THE SUSPENSION AND REVOCATION OF A LICENSE TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM OR FIREARMS, INELIGIBILITY FOR SUCH A LICENSE AND THE SURRENDER OF FIREARMS IN ACCORDANCE WITH SECTION EIGHT HUNDRED FORTY-TWO-A OF THIS ACT.

S 7. The family court act is amended by adding a new section 552 to read as follows:

S 552. FIREARMS; SURRENDER AND LICENSE SUSPENSION, REVOCATION AND INELIGIBILITY. UPON THE ISSUANCE OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, OR UPON A VIOLATION OF SUCH ORDER, THE COURT SHALL MAKE A DETERMINATION REGARDING THE SUSPENSION AND REVOCATION OF A LICENSE TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM OR FIREARMS, INELIGIBILITY FOR SUCH A LICENSE AND THE SURRENDER OF FIREARMS IN ACCORDANCE WITH SECTION EIGHT HUNDRED FORTY-TWO-A OF THIS ACT.

S 8. The family court act is amended by adding a new section 656-a to read as follows:

S 656-A. FIREARMS; SURRENDER AND LICENSE SUSPENSION, REVOCATION AND INELIGIBILITY. UPON THE ISSUANCE OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, OR UPON A VIOLATION OF SUCH ORDER, THE COURT SHALL MAKE A DETERMINATION REGARDING THE SUSPENSION AND REVOCATION OF A LICENSE TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM OR FIREARMS, INELIGIBILITY FOR SUCH A LICENSE AND THE SURRENDER OF FIREARMS IN ACCORDANCE WITH SECTION EIGHT HUNDRED FORTY-TWO-A OF THIS ACT.

S 9. The family court act is amended by adding a new section 780-a to read as follows:

S 780-A. FIREARMS; SURRENDER AND LICENSE SUSPENSION, REVOCATION AND INELIGIBILITY. UPON THE ISSUANCE OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, OR UPON A VIOLATION OF SUCH ORDER, THE COURT SHALL MAKE A DETERMINATION REGARDING THE SUSPENSION AND REVOCATION OF A LICENSE TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM OR FIREARMS, INELIGIBILITY FOR SUCH A LICENSE AND THE SURRENDER OF FIREARMS IN ACCORDANCE WITH SECTION EIGHT HUNDRED FORTY-TWO-A OF THIS ACT.

S 10. The family court act is amended by adding a new section 1056-a to read as follows:

S 1056-A. FIREARMS; SURRENDER AND LICENSE SUSPENSION, REVOCATION AND INELIGIBILITY. UPON THE ISSUANCE OF AN ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION, OR UPON A VIOLATION OF SUCH ORDER, THE COURT SHALL MAKE AN ORDER IN ACCORDANCE WITH SECTION EIGHT HUNDRED FORTY-TWO-A OF THIS ACT.

S 11. The first undesignated and closing paragraphs of subdivision 3 of section 240 of the domestic relations law, as added by chapter 606 of the laws of 1999, are amended to read as follows:

G. Any party moving for a temporary order of protection pursuant to this subdivision during hours when the court is open shall be entitled to file such motion or pleading containing such prayer for emergency relief on the same day that such person first appears at such court, and a hearing on the motion or portion of the pleading requesting such emergency relief shall be held on the same day or the next day that the court is in session following the filing of such motion or pleading.

H. Upon issuance of an order of protection or temporary order of protection or upon a violation of such order, the court [may] SHALL make [an order] A DETERMINATION REGARDING THE SUSPENSION AND REVOCATION OF A LICENSE TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM OR FIREARMS, INELIGIBILITY FOR SUCH A LICENSE AND THE SURRENDER OF FIREARMS in accordance with [section] SECTIONS eight hundred forty-two-a AND EIGHT HUNDRED FORTY-SIX-A of the family court act [directing the surrender of firearms, revoking or suspending a party's firearms license, and/or directing that such party be ineligible to receive a firearms license], AS APPLICABLE. Upon issuance of an order of protection pursuant to this section or upon a finding of a violation thereof, the court also may direct payment of restitution in an amount not to exceed ten thousand dollars in accordance with subdivision (e) of section eight hundred forty-one of such act; provided, however, that in no case shall an order of restitution be issued where the court determines that the party against whom the order would be issued has already compensated the injured party or where such compensation is incorporated in a final judgment or settlement of the action.

S 12. Subdivision 9 of section 252 of the domestic relations law, as added by chapter 606 of the laws of 1999, is amended to read as follows:

9. Upon issuance of an order of protection or temporary order of protection or upon a violation of such order, the court [may take an order] SHALL MAKE A DETERMINATION REGARDING THE SUSPENSION AND REVOCATION OF A LICENSE TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM OR FIREARMS, INELIGIBILITY FOR SUCH A LICENSE AND THE SURRENDER OF FIREARMS in accordance with [section] SECTIONS eight hundred forty-two-a AND EIGHT HUNDRED FORTY-SIX-A of the family court act [directing the surrender of firearms, revoking or suspending a party's firearms license, and/or directing that such party be ineligible to receive a firearms license], AS APPLICABLE. Upon issuance of an order of protection pursuant to this section or upon a finding of a violation thereof, the court also may direct payment of restitution in an amount not to exceed ten

thousand dollars in accordance with subdivision (e) of section eight hundred forty-one of such act; provided, however, that in no case shall an order of restitution be issued where the court determines that the party against whom the order would be issued has already compensated the injured party or where such compensation is incorporated in a final [judgement] JUDGMENT or settlement of the action.

S 13. The opening paragraph and paragraph (b) of subdivision 1 of section 530.14 of the criminal procedure law, as added by chapter 644 of the laws of 1996, are amended to read as follows:

[Mandatory and permissive suspension] SUSPENSION of firearms license and ineligibility for such a license upon issuance of temporary order of protection. Whenever a temporary order of protection is issued pursuant to subdivision one of section 530.12 or subdivision one of section 530.13 of this article:

(b) the court [may] SHALL where the court finds a substantial risk that the defendant may use or threaten to use a firearm unlawfully against the person or persons for whose protection the temporary order of protection is issued, suspend any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed.

S 14. The opening paragraph and paragraph (b) of subdivision 2 of section 530.14 of the criminal procedure law, as added by chapter 644 of the laws of 1996, are amended to read as follows:

[Mandatory and permissive revocation] REVOCATION or suspension of firearms license and ineligibility for such a license upon issuance of an order of protection. Whenever an order of protection is issued pursuant to subdivision five of section 530.12 or subdivision four of section 530.13 of this article:

(b) the court [may] SHALL where the court finds a substantial risk that the defendant may use or threaten to use a firearm unlawfully against the person or persons for whose protection the order of protection is issued, (i) revoke any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender of any or all firearms owned or possessed or (ii) suspend or continue to suspend any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed.

S 15. The opening paragraph and paragraph (b) of subdivision 3 of section 530.14 of the criminal procedure law, the opening paragraph as amended by chapter 597 of the laws of 1998 and paragraph (b) as added by chapter 644 of the laws of 1996, are amended to read as follows:

[Mandatory and permissive revocation] REVOCATION or suspension of firearms license and ineligibility for such a license upon a finding of a willful failure to obey an order of protection. Whenever a defendant has been found pursuant to subdivision eleven of section 530.12 or subdivision eight of section 530.13 of this article to have willfully failed to obey an order of protection issued by a court of competent jurisdiction in this state or another state, territorial or tribal jurisdiction, in addition to any other remedies available pursuant to subdivision eleven of section 530.12 or subdivision eight of section 530.13 of this article:

(b) the court [may] SHALL where the court finds a substantial risk that the defendant may use or threaten to use a firearm unlawfully against the person or persons for whose protection the order of protection was issued, (i) revoke any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed or (ii) suspend any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed.

S 16. Section 837 of the executive law is amended by adding a new subdivision 19 to read as follows:

19. RECEIVE NAMES AND OTHER NON-CLINICAL IDENTIFYING INFORMATION PURSUANT TO SECTION 9.46 OF THE MENTAL HYGIENE LAW; PROVIDED, HOWEVER, ANY SUCH INFORMATION SHALL BE DESTROYED FIVE YEARS AFTER SUCH RECEIPT, OR PURSUANT TO A PROCEEDING BROUGHT UNDER ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES DETERMINING THAT AN INDIVIDUAL IS ELIGIBLE FOR A LICENSE PURSUANT TO SECTION 400.00 OF THE PENAL LAW AND OTHERWISE PERMITTED TO POSSESS A FIREARM.

S 17. The general business law is amended by adding a new article 39-DDD to read as follows:

ARTICLE 39-DDD

PRIVATE SALE OR DISPOSAL OF FIREARMS, RIFLES AND SHOTGUNS

SECTION 898. PRIVATE SALE OR DISPOSAL OF FIREARMS, RIFLES AND SHOTGUNS.

S 898. PRIVATE SALE OR DISPOSAL OF FIREARMS, RIFLES AND SHOTGUNS. 1. IN ADDITION TO ANY OTHER REQUIREMENTS PURSUANT TO STATE AND FEDERAL LAW, ALL SALES, EXCHANGES OR DISPOSALS OF FIREARMS, RIFLES OR SHOTGUNS SHALL BE CONDUCTED IN ACCORDANCE WITH THIS SECTION UNLESS SUCH SALE, EXCHANGE OR DISPOSAL IS CONDUCTED BY A LICENSED IMPORTER, LICENSED MANUFACTURER OR LICENSED DEALER, AS THOSE TERMS ARE DEFINED IN 18 USC S 922, WHEN SUCH SALE, EXCHANGE OR DISPOSAL IS CONDUCTED PURSUANT TO THAT PERSON'S FEDERAL FIREARMS LICENSE OR SUCH SALE, EXCHANGE OR DISPOSAL IS BETWEEN MEMBERS OF AN IMMEDIATE FAMILY. FOR PURPOSES OF THIS SECTION, "IMMEDIATE FAMILY" SHALL MEAN SPOUSES, DOMESTIC PARTNERS, CHILDREN AND STEP-CHILDREN.

2. BEFORE ANY SALE, EXCHANGE OR DISPOSAL PURSUANT TO THIS ARTICLE, A NATIONAL INSTANT CRIMINAL BACKGROUND CHECK MUST BE COMPLETED BY A DEALER WHO CONSENTS TO CONDUCT SUCH CHECK, AND UPON COMPLETION OF SUCH BACKGROUND CHECK, SHALL COMPLETE A DOCUMENT, THE FORM OF WHICH SHALL BE APPROVED BY THE SUPERINTENDENT OF STATE POLICE, THAT IDENTIFIES AND CONFIRMS THAT SUCH CHECK WAS PERFORMED.

3. ALL DEALERS SHALL MAINTAIN A RECORD OF SUCH TRANSACTIONS CONDUCTED PURSUANT TO THIS SECTION AND SUCH RECORD SHALL BE MAINTAINED ON THE PREMISES MENTIONED AND DESCRIBED IN THE LICENSE AND SHALL BE OPEN AT ALL REASONABLE HOURS FOR INSPECTION BY ANY PEACE OFFICER, ACTING PURSUANT TO HIS OR HER SPECIAL DUTIES, OR POLICE OFFICER.

4. A DEALER MAY REQUIRE THAT ANY SALE OR TRANSFER CONDUCTED PURSUANT TO THIS SECTION BE SUBJECT TO A FEE OF NOT TO EXCEED TEN DOLLARS PER TRANSACTION.

5. ANY RECORD PRODUCED PURSUANT TO THIS SECTION AND ANY TRANSMISSION THEREOF TO ANY GOVERNMENT AGENCY SHALL NOT BE CONSIDERED A PUBLIC RECORD FOR PURPOSES OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

6. ANY PERSON WHO KNOWINGLY VIOLATES THE PROVISIONS OF THIS ARTICLE SHALL BE GUILTY OF A CLASS A MISDEMEANOR PUNISHABLE AS PROVIDED FOR IN THE PENAL LAW.

S 18. Paragraph (q) of subdivision 2 of section 212 of the judiciary law, as added by chapter 491 of the laws of 2008, is amended to read as follows:

(q) Adopt rules to require transmission, to the criminal justice information services division of the federal bureau of investigation or to the division of criminal justice services, of the name and other identifying information of each person who has a guardian appointed for him or her pursuant to any provision of state law, based on a determination that as a result of marked subnormal intelligence, mental illness, incapacity, condition or disease, he or she lacks the mental capacity to contract or manage his or her own affairs. ANY SUCH RECORDS TRANSMITTED DIRECTLY TO THE FEDERAL BUREAU OF INVESTIGATION MUST ALSO BE TRANSMITTED TO THE DIVISION OF CRIMINAL JUSTICE SERVICES, AND ANY RECORDS RECEIVED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO THIS PARAGRAPH MAY BE CHECKED AGAINST THE STATEWIDE LICENSE AND RECORD DATABASE.

S 19. Subdivision (j) of section 7.09 of the mental hygiene law, as added by chapter 491 of the laws of 2008, is amended to read as follows:

(j) (1) The commissioner, in cooperation with other applicable state agencies, shall [be authorized to] collect, retain or modify data or records, [or to] AND SHALL transmit such data or records: (I) to the division of criminal justice services, or to the criminal justice information services division of the federal bureau of investigation, for the purposes of responding to queries to the national instant criminal background check system regarding attempts to purchase or otherwise take possession of firearms, as defined in 18 USC 921(a)(3), in accordance with applicable federal laws or regulations, OR (II) TO THE DIVISION OF CRIMINAL JUSTICE SERVICES, WHICH MAY RE-DISCLOSE SUCH DATA AND RECORDS ONLY FOR DETERMINING WHETHER A LICENSE ISSUED PURSUANT TO SECTION 400.00 OF THE PENAL LAW SHOULD BE DENIED, SUSPENDED OR REVOKED, UNDER SUBDIVISION ELEVEN OF SUCH SECTION, OR FOR DETERMINING WHETHER A PERSON IS NO LONGER PERMITTED UNDER FEDERAL OR STATE LAW TO POSSESS A FIREARM. Such records, WHICH MAY NOT BE USED FOR ANY OTHER PURPOSE, shall include only names and other non-clinical identifying information of persons who have been involuntarily committed to a hospital pursuant to article nine of this chapter, OR SECTION FOUR HUNDRED TWO OR SUBDIVISION TWO OF SECTION FIVE HUNDRED EIGHT OF THE CORRECTION LAW, or article seven hundred thirty or section 330.20 of the criminal procedure law or sections 322.2 or 353.4 of the family court act, or to a secure treatment facility pursuant to article ten of this chapter.

(2) The commissioner shall establish within the office of mental health an administrative process to permit a person who has been or may be disqualified from possessing such a firearm pursuant to 18 USC 922(4)(d) OR WHO HAS BEEN OR MAY BE DISQUALIFIED FROM CONTINUING TO HAVE A LICENSE TO CARRY, POSSESS, REPAIR, OR DISPOSE OF A FIREARM UNDER SECTION 400.00 OF THE PENAL LAW BECAUSE SUCH PERSON WAS INVOLUNTARILY COMMITTED OR CIVILLY CONFINED TO A FACILITY UNDER THE JURISDICTION OF THE COMMISSIONER, to petition for relief from that disability where such person's record and reputation are such that such person will not be likely to act in a manner dangerous to public safety and where the granting of the relief would not be contrary to public safety. The commissioner shall promulgate regulations to establish the relief from disabilities program, which shall include, but not be limited to,

provisions providing for: (i) an opportunity for a disqualified person to petition for relief in writing; (ii) the authority for the agency to require that the petitioner undergo a clinical evaluation and risk assessment; and (iii) a requirement that the agency issue a decision in writing explaining the reasons for a denial or grant of relief. The denial of a petition for relief from disabilities may be reviewed de novo pursuant to the proceedings under article seventy-eight of the civil practice law and rules.

S 20. The mental hygiene law is amended by adding a new section 9.46 to read as follows:

S 9.46 REPORTS OF SUBSTANTIAL RISK OR THREAT OF HARM BY MENTAL HEALTH PROFESSIONALS.

(A) FOR PURPOSES OF THIS SECTION, THE TERM "MENTAL HEALTH PROFESSIONAL" SHALL INCLUDE A PHYSICIAN, PSYCHOLOGIST, REGISTERED NURSE OR LICENSED CLINICAL SOCIAL WORKER.

(B) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, WHEN A MENTAL HEALTH PROFESSIONAL CURRENTLY PROVIDING TREATMENT SERVICES TO A PERSON DETERMINES, IN THE EXERCISE OF REASONABLE PROFESSIONAL JUDGMENT, THAT SUCH PERSON IS LIKELY TO ENGAGE IN CONDUCT THAT WOULD RESULT IN SERIOUS HARM TO SELF OR OTHERS, HE OR SHE SHALL BE REQUIRED TO REPORT, AS SOON AS PRACTICABLE, TO THE DIRECTOR OF COMMUNITY SERVICES, OR THE DIRECTOR'S DESIGNEE, WHO SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE SERVICES WHENEVER HE OR SHE AGREES THAT THE PERSON IS LIKELY TO ENGAGE IN SUCH CONDUCT. INFORMATION TRANSMITTED TO THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL BE LIMITED TO NAMES AND OTHER NON-CLINICAL IDENTIFYING INFORMATION, WHICH MAY ONLY BE USED FOR DETERMINING WHETHER A LICENSE ISSUED PURSUANT TO SECTION 400.00 OF THE PENAL LAW SHOULD BE SUSPENDED OR REVOKED, OR FOR DETERMINING WHETHER A PERSON IS INELIGIBLE FOR A LICENSE ISSUED PURSUANT TO SECTION 400.00 OF THE PENAL LAW, OR IS NO LONGER PERMITTED UNDER STATE OR FEDERAL LAW TO POSSESS A FIREARM.

(C) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A MENTAL HEALTH PROFESSIONAL TO TAKE ANY ACTION WHICH, IN THE EXERCISE OF REASONABLE PROFESSIONAL JUDGMENT, WOULD ENDANGER SUCH MENTAL HEALTH PROFESSIONAL OR INCREASE THE DANGER TO A POTENTIAL VICTIM OR VICTIMS.

(D) THE DECISION OF A MENTAL HEALTH PROFESSIONAL TO DISCLOSE OR NOT TO DISCLOSE IN ACCORDANCE WITH THIS SECTION, WHEN MADE REASONABLY AND IN GOOD FAITH, SHALL NOT BE THE BASIS FOR ANY CIVIL OR CRIMINAL LIABILITY OF SUCH MENTAL HEALTH PROFESSIONAL.

S 21. Paragraph 5 of subdivision (b) of section 9.47 of the mental hygiene law is renumbered paragraph 7 and two new paragraphs 5 and 6 are added to read as follows:

(5) ENSURING EVALUATION OF THE NEED FOR ONGOING ASSISTED OUTPATIENT TREATMENT PURSUANT TO SUBDIVISION (K) OF SECTION 9.60 OF THIS ARTICLE PRIOR TO THE EXPIRATION OF ANY ASSISTED OUTPATIENT TREATMENT ORDER;

(6) IF HE OR SHE HAS BEEN ORDERED TO PROVIDE FOR OR ARRANGE FOR ASSISTED OUTPATIENT TREATMENT PURSUANT TO PARAGRAPH FIVE OF SUBDIVISION (J) OF SECTION 9.60 OF THIS ARTICLE OR BECAME THE APPROPRIATE DIRECTOR PURSUANT TO THIS PARAGRAPH OR SUBDIVISION (C) OF SECTION 9.48 OF THIS ARTICLE, NOTIFYING THE DIRECTOR OF COMMUNITY SERVICES OF THE NEW COUNTY OF RESIDENCE WHEN HE OR SHE HAS REASON TO BELIEVE THAT AN ASSISTED OUTPATIENT HAS OR WILL CHANGE HIS OR HER COUNTY OF RESIDENCE DURING THE PENDENCY OF AN ASSISTED OUTPATIENT TREATMENT ORDER. UPON SUCH CHANGE OF RESIDENCE, THE DIRECTOR OF THE NEW COUNTY OF RESIDENCE SHALL BECOME THE APPROPRIATE DIRECTOR, AS SUCH TERM IS DEFINED IN SECTION 9.60 OF THIS ARTICLE; AND

S 22. Section 9.48 of the mental hygiene law is amended by adding a new subdivision (c) to read as follows:

(C) DIRECTORS OF ASSISTED OUTPATIENT TREATMENT PROGRAMS PROVIDING SERVICES DESCRIBED IN PARAGRAPH ONE OF SUBDIVISION (A) OF SECTION 9.60 OF THIS ARTICLE PURSUANT TO ANY COURT ORDER ISSUED UNDER SUCH SECTION SHALL EVALUATE THE NEED FOR ONGOING ASSISTED OUTPATIENT TREATMENT PURSUANT TO SUBDIVISION (K) OF SECTION 9.60 OF THIS ARTICLE PRIOR TO THE EXPIRATION OF ANY ASSISTED OUTPATIENT TREATMENT ORDER; AND SHALL NOTIFY THE DIRECTOR OF COMMUNITY SERVICES OF THE NEW COUNTY OF RESIDENCE WHEN HE OR SHE HAS REASON TO BELIEVE THAT AN ASSISTED OUTPATIENT HAS OR WILL CHANGE HIS OR HER COUNTY OF RESIDENCE DURING THE PENDENCY OF AN ASSISTED OUTPATIENT TREATMENT ORDER. UPON SUCH CHANGE OF RESIDENCE, THE DIRECTOR OF THE NEW COUNTY OF RESIDENCE SHALL BECOME THE APPROPRIATE DIRECTOR, AS SUCH TERM IS DEFINED IN SECTION 9.60 OF THIS ARTICLE.

S 23. Paragraph 3 of subdivision (a), paragraphs 2 and 5 of subdivision (j) and subdivisions (k) and (n) of section 9.60 of the mental hygiene law, as amended by chapter 158 of the laws of 2005, are amended to read as follows:

(3) "director of community services" and "local governmental unit" shall have the same meanings as provided in article forty-one of this chapter. THE "APPROPRIATE DIRECTOR" SHALL MEAN THE DIRECTOR OF COMMUNITY SERVICES OF THE COUNTY WHERE THE ASSISTED OUTPATIENT RESIDES, EVEN IF IT IS A DIFFERENT COUNTY THAN THE COUNTY WHERE THE ASSISTED OUTPATIENT TREATMENT ORDER WAS ORIGINALLY ISSUED.

(2) If after hearing all relevant evidence, the court finds by clear and convincing evidence that the subject of the petition meets the criteria for assisted outpatient treatment, and there is no appropriate and feasible less restrictive alternative, the court may order the subject to receive assisted outpatient treatment for an initial period not to exceed [six months] ONE YEAR. In fashioning the order, the court shall specifically make findings by clear and convincing evidence that the proposed treatment is the least restrictive treatment appropriate and feasible for the subject. The order shall state an assisted outpatient treatment plan, which shall include all categories of assisted outpatient treatment, as set forth in paragraph one of subdivision (a) of this section, which the assisted outpatient is to receive, but shall not include any such category that has not been recommended in both the proposed written treatment plan and the testimony provided to the court pursuant to subdivision (i) of this section.

(5) If the petitioner is the director of a hospital that operates an assisted outpatient treatment program, the court order shall direct the hospital director to provide or arrange for all categories of assisted outpatient treatment for the assisted outpatient throughout the period of the order. [For all other persons] IN ALL OTHER INSTANCES, the order shall require the APPROPRIATE director [of community services of the appropriate local governmental unit], AS THAT TERM IS DEFINED IN THIS SECTION, to provide or arrange for all categories of assisted outpatient treatment for the assisted outpatient throughout the period of the order.

(k) Petition for additional periods of treatment. (1) PRIOR TO THE EXPIRATION OF AN ORDER PURSUANT TO THIS SECTION, THE APPROPRIATE DIRECTOR SHALL REVIEW WHETHER THE ASSISTED OUTPATIENT CONTINUES TO MEET THE CRITERIA FOR ASSISTED OUTPATIENT TREATMENT. IF, AS DOCUMENTED IN THE PETITION, THE DIRECTOR DETERMINES THAT SUCH CRITERIA CONTINUE TO BE MET OR HAS MADE APPROPRIATE ATTEMPTS TO, BUT HAS NOT BEEN SUCCESSFUL IN ELICITING, THE COOPERATION OF THE SUBJECT TO SUBMIT TO AN EXAMINATION,

WITHIN THIRTY DAYS PRIOR TO THE EXPIRATION OF AN ORDER OF ASSISTED OUTPATIENT TREATMENT, SUCH DIRECTOR MAY PETITION THE COURT TO ORDER CONTINUED ASSISTED OUTPATIENT TREATMENT PURSUANT TO PARAGRAPH TWO OF THIS SUBDIVISION. UPON DETERMINING WHETHER SUCH CRITERIA CONTINUE TO BE MET, SUCH DIRECTOR SHALL NOTIFY THE PROGRAM COORDINATOR IN WRITING AS TO WHETHER A PETITION FOR CONTINUED ASSISTED OUTPATIENT TREATMENT IS WARRANTED AND WHETHER SUCH A PETITION WAS OR WILL BE FILED.

(2) Within thirty days prior to the expiration of an order of assisted outpatient treatment, the appropriate director or the current petitioner, if the current petition was filed pursuant to subparagraph (i) or (ii) of paragraph one of subdivision (e) of this section, and the current petitioner retains his or her original status pursuant to the applicable subparagraph, may petition the court to order continued assisted outpatient treatment for a period not to exceed one year from the expiration date of the current order. If the court's disposition of such petition does not occur prior to the expiration date of the current order, the current order shall remain in effect until such disposition. The procedures for obtaining any order pursuant to this subdivision shall be in accordance with the provisions of the foregoing subdivisions of this section; provided that the time restrictions included in paragraph four of subdivision (c) of this section shall not be applicable. The notice provisions set forth in paragraph six of subdivision (j) of this section shall be applicable. Any court order requiring periodic blood tests or urinalysis for the presence of alcohol or illegal drugs shall be subject to review after six months by the physician who developed the written treatment plan or another physician designated by the director, and such physician shall be authorized to terminate such blood tests or urinalysis without further action by the court.

(n) Failure to comply with assisted outpatient treatment. Where in the clinical judgment of a physician, (i) the assisted outpatient, has failed or refused to comply with the assisted outpatient treatment, (ii) efforts were made to solicit compliance, and (iii) such assisted outpatient may be in need of involuntary admission to a hospital pursuant to section 9.27 of this article or immediate observation, care and treatment pursuant to section 9.39 or 9.40 of this article, such physician may request the APPROPRIATE director of community services, the director's designee, or any physician designated by the director of community services pursuant to section 9.37 of this article, to direct the removal of such assisted outpatient to an appropriate hospital for an examination to determine if such person has a mental illness for which hospitalization is necessary pursuant to section 9.27, 9.39 or 9.40 of this article. Furthermore, if such assisted outpatient refuses to take medications as required by the court order, or he or she refuses to take, or fails a blood test, urinalysis, or alcohol or drug test as required by the court order, such physician may consider such refusal or failure when determining whether the assisted outpatient is in need of an examination to determine whether he or she has a mental illness for which hospitalization is necessary. Upon the request of such physician, the APPROPRIATE director, the director's designee, or any physician designated pursuant to section 9.37 of this article, may direct peace officers, acting pursuant to their special duties, or police officers who are members of an authorized police department or force or of a sheriff's department to take the assisted outpatient into custody and transport him or her to the hospital operating the assisted outpatient treatment program or to any hospital authorized by the director of community services to receive such persons. Such law enforcement officials shall

carry out such directive. Upon the request of such physician, the APPROPRIATE director, the director's designee, or any physician designated pursuant to section 9.37 of this article, an ambulance service, as defined by subdivision two of section three thousand one of the public health law, or an approved mobile crisis outreach team as defined in section 9.58 of this article shall be authorized to take into custody and transport any such person to the hospital operating the assisted outpatient treatment program, or to any other hospital authorized by the APPROPRIATE director of community services to receive such persons. Any director of community services, or designee, shall be authorized to direct the removal of an assisted outpatient who is present in his or her county to an appropriate hospital, in accordance with the provisions of this subdivision, based upon a determination of the appropriate director of community services directing the removal of such assisted outpatient pursuant to this subdivision. Such person may be retained for observation, care and treatment and further examination in the hospital for up to seventy-two hours to permit a physician to determine whether such person has a mental illness and is in need of involuntary care and treatment in a hospital pursuant to the provisions of this article. Any continued involuntary retention in such hospital beyond the initial seventy-two hour period shall be in accordance with the provisions of this article relating to the involuntary admission and retention of a person. If at any time during the seventy-two hour period the person is determined not to meet the involuntary admission and retention provisions of this article, and does not agree to stay in the hospital as a voluntary or informal patient, he or she must be released. Failure to comply with an order of assisted outpatient treatment shall not be grounds for involuntary civil commitment or a finding of contempt of court.

S 24. Subdivision (g) of section 13.09 of the mental hygiene law, as amended by chapter 168 of the laws of 2010, is amended to read as follows:

(g) (1) The commissioner, in cooperation with other applicable state agencies, shall [be authorized to] collect, retain or modify data or records, [or to] AND SHALL transmit such data or records to: (I) the division of criminal justice services, or to the criminal justice information services division of the federal bureau of investigation, for the purposes of responding to queries to the national instant criminal background check system regarding attempts to purchase or otherwise take possession of firearms, as defined in 18 USC 921(a)(3), in accordance with applicable federal laws or regulations, OR (II) TO THE DIVISION OF CRIMINAL JUSTICE SERVICES, FOR THE PURPOSES OF DETERMINING WHETHER A LICENSE ISSUED PURSUANT TO SECTION 400.00 OF THE PENAL LAW SHOULD BE DENIED, SUSPENDED OR REVOKED, UNDER SUBDIVISION ELEVEN OF SUCH SECTION, OR FOR DETERMINING WHETHER A PERSON IS NO LONGER PERMITTED UNDER FEDERAL OR STATE LAW TO POSSESS A FIREARM. Such records shall include only names and other non-clinical identifying information of persons who have had a guardian appointed for them pursuant to any provision of state law, based on a determination that as a result of marked subnormal intelligence, mental illness, incapacity, condition or disease, they lack the mental capacity to contract or manage their own affairs, and persons who have been involuntarily committed to a facility pursuant to article fifteen of this chapter, or article seven hundred thirty or section 330.20 of the criminal procedure law or sections 322.2 or 353.4 of the family court act.

(2) The commissioner shall establish within the office for people with developmental disabilities an administrative process to permit a person who has been or may be disqualified from possessing such a firearm pursuant to 18 USC 922(4)(d), OR WHO HAS BEEN OR MAY BE DISQUALIFIED FROM CONTINUING TO HAVE A LICENSE TO CARRY, POSSESS, REPAIR, OR DISPOSE OF A FIREARM UNDER SECTION 400.00 OF THE PENAL LAW BECAUSE SUCH PERSON WAS INVOLUNTARILY COMMITTED OR CIVILLY CONFINED TO A FACILITY UNDER THE JURISDICTION OF THE COMMISSIONER, to petition for relief from that disability where such person's record and reputation are such that such person will not be likely to act in a manner dangerous to public safety and where the granting of the relief would not be contrary to public safety. The commissioner shall promulgate regulations to establish the relief from disabilities program, which shall include, but not be limited to, provisions providing for: (i) an opportunity for a disqualified person to petition for relief in writing; (ii) the authority for the agency to require that the petitioner undergo a clinical evaluation and risk assessment; and (iii) a requirement that the agency issue a decision in writing explaining the reasons for a denial or grant of relief. The denial of a petition for relief from disabilities may be reviewed de novo pursuant to the proceedings under article seventy-eight of the civil practice law and rules.

S 25. Paragraph 12 of subdivision (c) of section 33.13 of the mental hygiene law, as amended by chapter 158 of the laws of 2005, is amended and a new paragraph 15 is added to read as follows:

12. to a director of community services as defined in article nine of this chapter or his OR HER designee, provided that such director or his or her designee (I) requests such information in the exercise of his or her statutory functions, powers and duties pursuant to section 9.37, 9.45, 9.47, 9.48, 9.60 or 41.13 of this chapter; OR (II) THE DISCLOSURE OF INFORMATION IS REQUIRED PURSUANT TO SECTION 9.46 OF THIS CHAPTER.

15. TO THE DIVISION OF CRIMINAL JUSTICE SERVICES, NAMES AND OTHER NON-CLINICAL IDENTIFYING INFORMATION FOR THE SOLE PURPOSE OF IMPLEMENTING THE DIVISION'S RESPONSIBILITIES AND DUTIES UNDER SECTIONS 400.00 AND 400.02 OF THE PENAL LAW.

S 26. Section 10.00 of the penal law is amended by adding a new subdivision 21 to read as follows:

21. "DRUG TRAFFICKING FELONY" MEANS ANY OF THE FOLLOWING OFFENSES DEFINED IN ARTICLE TWO HUNDRED TWENTY OF THIS CHAPTER: VIOLATION OF USE OF A CHILD TO COMMIT A CONTROLLED SUBSTANCE OFFENSE AS DEFINED IN SECTION 220.28; CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FOURTH DEGREE AS DEFINED IN SECTION 220.34; CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE AS DEFINED IN SECTION 220.39; CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE AS DEFINED IN SECTION 220.41; CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE FIRST DEGREE AS DEFINED IN SECTION 220.43; CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN OR NEAR SCHOOL GROUNDS AS DEFINED IN SECTION 220.44; UNLAWFUL MANUFACTURE OF METHAMPHETAMINE IN THE SECOND DEGREE AS DEFINED IN SECTION 220.74; UNLAWFUL MANUFACTURE OF METHAMPHETAMINE IN THE FIRST DEGREE AS DEFINED IN SECTION 220.75; OR OPERATING AS A MAJOR TRAFFICKER AS DEFINED IN SECTION 220.77.

S 26-a. The penal law is amended by adding a new section 60.11-a to read as follows:

S 60.11-A AUTHORIZED DISPOSITIONS; CERTAIN CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE OFFENDERS.

WHEN A PERSON IS TO BE SENTENCED UPON CONVICTION OF THE CRIME OF CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE AS DEFINED IN SUBDIVI-

SION TEN OF SECTION 265.02 OF THIS CHAPTER, THE COURT MUST SENTENCE SUCH DEFENDANT TO A DETERMINATE SENTENCE AS PROVIDED IN SUBPARAGRAPH (II) OF PARAGRAPH (C) OF SUBDIVISION THREE OF SECTION 70.02 OF THIS CHAPTER, UNLESS A GREATER MINIMUM SENTENCE IS OTHERWISE REQUIRED BY ANOTHER PROVISION OF THIS CHAPTER.

S 27. Paragraphs (b) and (c) of subdivision 1 of section 70.02 of the penal law, paragraph (b) as amended by chapter 148 of the laws of 2011 and paragraph (c) as amended by chapter 405 of the laws of 2010, are amended to read as follows:

(b) Class C violent felony offenses: an attempt to commit any of the class B felonies set forth in paragraph (a) of this subdivision; aggravated criminally negligent homicide as defined in section 125.11, aggravated manslaughter in the second degree as defined in section 125.21, aggravated sexual abuse in the second degree as defined in section 130.67, assault on a peace officer, police officer, fireman or emergency medical services professional as defined in section 120.08, assault on a judge as defined in section 120.09, gang assault in the second degree as defined in section 120.06, strangulation in the first degree as defined in section 121.13, burglary in the second degree as defined in section 140.25, robbery in the second degree as defined in section 160.10, criminal possession of a weapon in the second degree as defined in section 265.03, criminal use of a firearm in the second degree as defined in section 265.08, criminal sale of a firearm in the second degree as defined in section 265.12, criminal sale of a firearm with the aid of a minor as defined in section 265.14, AGGRAVATED CRIMINAL POSSESSION OF A WEAPON AS DEFINED IN SECTION 265.19, soliciting or providing support for an act of terrorism in the first degree as defined in section 490.15, hindering prosecution of terrorism in the second degree as defined in section 490.30, and criminal possession of a chemical weapon or biological weapon in the third degree as defined in section 490.37.

(c) Class D violent felony offenses: an attempt to commit any of the class C felonies set forth in paragraph (b); reckless assault of a child as defined in section 120.02, assault in the second degree as defined in section 120.05, menacing a police officer or peace officer as defined in section 120.18, stalking in the first degree, as defined in subdivision one of section 120.60, strangulation in the second degree as defined in section 121.12, rape in the second degree as defined in section 130.30, criminal sexual act in the second degree as defined in section 130.45, sexual abuse in the first degree as defined in section 130.65, course of sexual conduct against a child in the second degree as defined in section 130.80, aggravated sexual abuse in the third degree as defined in section 130.66, facilitating a sex offense with a controlled substance as defined in section 130.90, criminal possession of a weapon in the third degree as defined in subdivision five, six, seven [or], eight, NINE OR TEN of section 265.02, criminal sale of a firearm in the third degree as defined in section 265.11, intimidating a victim or witness in the second degree as defined in section 215.16, soliciting or providing support for an act of terrorism in the second degree as defined in section 490.10, and making a terroristic threat as defined in section 490.20, falsely reporting an incident in the first degree as defined in section 240.60, placing a false bomb or hazardous substance in the first degree as defined in section 240.62, placing a false bomb or hazardous substance in a sports stadium or arena, mass transportation facility or enclosed shopping mall as defined in section 240.63, and aggravated unpermitted use of indoor pyrotechnics in the first degree as defined in section 405.18.

S 28. The opening paragraph of paragraph (c) of subdivision 2 of section 70.02 of the penal law, as amended by chapter 764 of the laws of 2005, is amended to read as follows:

Except as provided in subdivision six of section 60.05, the sentence imposed upon a person who stands convicted of the class D violent felony offenses of criminal possession of a weapon in the third degree as defined in subdivision [four,] five, seven [or], eight OR NINE of section 265.02, criminal sale of a firearm in the third degree as defined in section 265.11 or the class E violent felonies of attempted criminal possession of a weapon in the third degree as defined in subdivision [four,] five, seven [or], eight OR NINE of section 265.02 must be a sentence to a determinate period of imprisonment, or, in the alternative, a definite sentence of imprisonment for a period of no less than one year, except that:

S 29. Paragraph (b) of subdivision 3 of section 70.02 of the penal law, as amended by chapter 765 of the laws of 2005, is amended to read as follows:

(b) For a class C felony, the term must be at least three and one-half years and must not exceed fifteen years, provided, however, that the term must be: (i) at least seven years and must not exceed twenty years where the sentence is for the crime of aggravated manslaughter in the second degree as defined in section 125.21 of this chapter; (ii) at least seven years and must not exceed twenty years where the sentence is for the crime of attempted aggravated assault upon a police officer or peace officer as defined in section 120.11 of this chapter; [and] (iii) at least three and one-half years and must not exceed twenty years where the sentence is for the crime of aggravated criminally negligent homicide as defined in section 125.11 of this chapter; AND (IV) AT LEAST FIVE YEARS AND MUST NOT EXCEED FIFTEEN YEARS WHERE THE SENTENCE IS IMPOSED FOR THE CRIME OF AGGRAVATED CRIMINAL POSSESSION OF A WEAPON AS DEFINED IN SECTION 265.19 OF THIS CHAPTER;

S 30. Paragraph (c) of subdivision 3 of section 70.02 of the penal law, as amended by chapter 765 of the laws of 2005, is amended to read as follows:

(c) For a class D felony, the term must be at least two years and must not exceed seven years, provided, however, that the term must be: (I) at least two years and must not exceed eight years where the sentence is for the crime of menacing a police officer or peace officer as defined in section 120.18 of this chapter; and (II) AT LEAST THREE AND ONE-HALF YEARS AND MUST NOT EXCEED SEVEN YEARS WHERE THE SENTENCE IS IMPOSED FOR THE CRIME OF CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE AS DEFINED IN SUBDIVISION TEN OF SECTION 265.02 OF THIS CHAPTER;

S 31. The penal law is amended by adding a new section 115.20 to read as follows:

S 115.20 CRIMINAL FACILITATION; DEFINITIONS AND CONSTRUCTION.

FOR PURPOSES OF THIS ARTICLE, SUCH CONDUCT SHALL INCLUDE, BUT NOT BE LIMITED TO, MAKING AVAILABLE, SELLING, EXCHANGING, GIVING OR DISPOSING OF A COMMUNITY GUN, WHICH IN FACT, AIDS A PERSON TO COMMIT A CRIME. "COMMUNITY GUN" SHALL MEAN A FIREARM THAT IS ACTUALLY SHARED, MADE AVAILABLE, SOLD, EXCHANGED, GIVEN OR DISPOSED OF AMONG OR BETWEEN TWO OR MORE PERSONS, AT LEAST ONE OF WHOM IS NOT AUTHORIZED PURSUANT TO LAW TO POSSESS SUCH FIREARM. "DISPOSE OF" SHALL HAVE THE SAME MEANING AS THAT TERM IS DEFINED IN SECTION 265.00 OF THIS CHAPTER. "SHARE" AND "MAKE AVAILABLE" SHALL, IN THE CASE OF A FIREARM, BE CONSTRUED TO INCLUDE KNOWINGLY PLACING SUCH FIREARM AT A LOCATION ACCESSIBLE AND KNOWN TO ONE OR MORE OTHER PERSONS.

S 32. Section 120.05 of the penal law is amended by adding a new subdivision 4-a to read as follows:

4-A. HE RECKLESSLY CAUSES PHYSICAL INJURY TO ANOTHER PERSON WHO IS A CHILD UNDER THE AGE OF EIGHTEEN BY INTENTIONAL DISCHARGE OF A FIREARM, RIFLE OR SHOTGUN; OR

S 33. Sections 34, 35 and 36 of this act shall be known and may be cited as "Mark's Law".

S 34. The opening paragraph of subdivision 1 of section 125.26 of the penal law, as added by chapter 765 of the laws of 2005, is amended to read as follows:

With intent to cause the death of another person, he or she causes the death of such person, or of a third person who was a person described in subparagraph (i), (ii), (II-A) or (iii) of paragraph (a) of this subdivision engaged at the time of the killing in the course of performing his or her official duties; and

S 35. Paragraph (a) of subdivision 1 of section 125.26 of the penal law is amended by adding a new subparagraph (ii-a) to read as follows:

(II-A) THE INTENDED VICTIM WAS A FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, AMBULANCE DRIVER, PARAMEDIC, PHYSICIAN OR REGISTERED NURSE INVOLVED IN A FIRST RESPONSE TEAM, OR ANY OTHER INDIVIDUAL WHO, IN THE COURSE OF OFFICIAL DUTIES, PERFORMS EMERGENCY RESPONSE ACTIVITIES AND WAS ENGAGED IN SUCH ACTIVITIES AT THE TIME OF KILLING AND THE DEFENDANT KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE INTENDED VICTIM WAS SUCH FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, AMBULANCE DRIVER, PARAMEDIC, PHYSICIAN OR REGISTERED NURSE; OR

S 36. Paragraph (a) of subdivision 1 of section 125.27 of the penal law is amended by adding a new subparagraph (ii-a) to read as follows:

(II-A) THE INTENDED VICTIM WAS A FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, AMBULANCE DRIVER, PARAMEDIC, PHYSICIAN OR REGISTERED NURSE INVOLVED IN A FIRST RESPONSE TEAM, OR ANY OTHER INDIVIDUAL WHO, IN THE COURSE OF OFFICIAL DUTIES, PERFORMS EMERGENCY RESPONSE ACTIVITIES AND WAS ENGAGED IN SUCH ACTIVITIES AT THE TIME OF KILLING AND THE DEFENDANT KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE INTENDED VICTIM WAS SUCH FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, AMBULANCE DRIVER, PARAMEDIC, PHYSICIAN OR REGISTERED NURSE; OR

S 37. Subdivision 22 of section 265.00 of the penal law, as added by chapter 189 of the laws of 2000, is amended to read as follows:

22. "Assault weapon" means [(a) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least two of the following characteristics:

(i) a folding or telescoping stock;

(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(iii) a bayonet mount;

(iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor;

(v) a grenade launcher; or

(b) a semiautomatic shotgun that has at least two of the following characteristics:

(i) a folding or telescoping stock;

(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(iii) a fixed magazine capacity in excess of five rounds;

(iv) an ability to accept a detachable magazine; or

(c) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least two of the following characteristics:

(i) an ammunition magazine that attaches to the pistol outside of the pistol grip;
(ii) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;
(iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;
(iv) a manufactured weight of fifty ounces or more when the pistol is unloaded;
(v) a semiautomatic version of an automatic rifle, shotgun or firearm; or
(d) any of the weapons, or functioning frames or receivers of such weapons, or copies or duplicates of such weapons, in any caliber, known as:
(i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models);
(ii) Action Arms Israeli Military Industries UZI and Galil;
(iii) Beretta Ar70 (SC-70);
(iv) Colt AR-15;
(v) Fabrique National FN/FAL, FN/LAR, and FNC;
(vi) SWD M-10, M-11, M-11/9, and M-12;
(vii) Steyr AUG;
(viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and
(ix) revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12;
(e) provided, however, that such term does not include: (i) any rifle, shotgun or pistol that (A) is manually operated by bolt, pump, lever or slide action; (B) has been rendered permanently inoperable; or (C) is an antique firearm as defined in 18 U.S.C. 921(a)(16);
(ii) a semiautomatic rifle that cannot accept a detachable magazine that holds more than five rounds of ammunition;
(iii) a semiautomatic shotgun that cannot hold more than five rounds of ammunition in a fixed or detachable magazine;
(iv) a rifle, shotgun or pistol, or a replica or a duplicate thereof, specified in Appendix A to section 922 of 18 U.S.C. as such weapon was manufactured on October first, nineteen hundred ninety-three. The mere fact that a weapon is not listed in Appendix A shall not be construed to mean that such weapon is an assault weapon; or
(v) a semiautomatic rifle, a semiautomatic shotgun or a semiautomatic pistol or any of the weapons defined in paragraph (d) of this subdivision lawfully possessed prior to September fourteenth, nineteen hundred ninety-four.]
(A) A SEMIAUTOMATIC RIFLE THAT HAS AN ABILITY TO ACCEPT A DETACHABLE MAGAZINE AND HAS AT LEAST ONE OF THE FOLLOWING CHARACTERISTICS:
(I) A FOLDING OR TELESCOPING STOCK;
(II) A PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH THE ACTION OF THE WEAPON;
(III) A THUMBHOLE STOCK;
(IV) A SECOND HANDGRIP OR A PROTRUDING GRIP THAT CAN BE HELD BY THE NON-TRIGGER HAND;
(V) A BAYONET MOUNT;
(VI) A FLASH SUPPRESSOR, MUZZLE BREAK, MUZZLE COMPENSATOR, OR THREADED BARREL DESIGNED TO ACCOMMODATE A FLASH SUPPRESSOR, MUZZLE BREAK, OR MUZZLE COMPENSATOR;
(VII) A GRENADE LAUNCHER; OR

(B) A SEMIAUTOMATIC SHOTGUN THAT HAS AT LEAST ONE OF THE FOLLOWING CHARACTERISTICS:
(I) A FOLDING OR TELESCOPING STOCK;
(II) A THUMBHOLE STOCK;
(III) A SECOND HANDGRIP OR A PROTRUDING GRIP THAT CAN BE HELD BY THE NON-TRIGGER HAND;
(IV) A FIXED MAGAZINE CAPACITY IN EXCESS OF SEVEN ROUNDS;
(V) AN ABILITY TO ACCEPT A DETACHABLE MAGAZINE; OR
(C) A SEMIAUTOMATIC PISTOL THAT HAS AN ABILITY TO ACCEPT A DETACHABLE MAGAZINE AND HAS AT LEAST ONE OF THE FOLLOWING CHARACTERISTICS:
(I) A FOLDING OR TELESCOPING STOCK;
(II) A THUMBHOLE STOCK;
(III) A SECOND HANDGRIP OR A PROTRUDING GRIP THAT CAN BE HELD BY THE NON-TRIGGER HAND;
(IV) CAPACITY TO ACCEPT AN AMMUNITION MAGAZINE THAT ATTACHES TO THE PISTOL OUTSIDE OF THE PISTOL GRIP;
(V) A THREADED BARREL CAPABLE OF ACCEPTING A BARREL EXTENDER, FLASH SUPPRESSOR, FORWARD HANDGRIP, OR SILENCER;
(VI) A SHROUD THAT IS ATTACHED TO, OR PARTIALLY OR COMPLETELY ENCIRCLES, THE BARREL AND THAT PERMITS THE SHOOTER TO HOLD THE FIREARM WITH THE NON-TRIGGER HAND WITHOUT BEING BURNED;
(VII) A MANUFACTURED WEIGHT OF FIFTY OUNCES OR MORE WHEN THE PISTOL IS UNLOADED; OR
(VIII) A SEMIAUTOMATIC VERSION OF AN AUTOMATIC RIFLE, SHOTGUN OR FIREARM;
(D) A REVOLVING CYLINDER SHOTGUN;
(E) A SEMIAUTOMATIC RIFLE, A SEMIAUTOMATIC SHOTGUN OR A SEMIAUTOMATIC PISTOL OR WEAPON DEFINED IN SUBPARAGRAPH (V) OF PARAGRAPH (E) OF SUBDIVISION TWENTY-TWO OF SECTION 265.00 OF THIS CHAPTER AS ADDED BY CHAPTER ONE HUNDRED EIGHTY-NINE OF THE LAWS OF TWO THOUSAND AND OTHERWISE LAWFULLY POSSESSED PURSUANT TO SUCH CHAPTER OF THE LAWS OF TWO THOUSAND PRIOR TO SEPTEMBER FOURTEENTH, NINETEEN HUNDRED NINETY-FOUR;
(F) A SEMIAUTOMATIC RIFLE, A SEMIAUTOMATIC SHOTGUN OR A SEMIAUTOMATIC PISTOL OR WEAPON DEFINED IN PARAGRAPH (A), (B) OR (C) OF THIS SUBDIVISION, POSSESSED PRIOR TO THE DATE OF ENACTMENT OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PARAGRAPH;
(G) PROVIDED, HOWEVER, THAT SUCH TERM DOES NOT INCLUDE:
(I) ANY RIFLE, SHOTGUN OR PISTOL THAT (A) IS MANUALLY OPERATED BY BOLT, PUMP, LEVER OR SLIDE ACTION; (B) HAS BEEN RENDERED PERMANENTLY INOPERABLE; OR (C) IS AN ANTIQUE FIREARM AS DEFINED IN 18 U.S.C. 921(A)(16);
(II) A SEMIAUTOMATIC RIFLE THAT CANNOT ACCEPT A DETACHABLE MAGAZINE THAT HOLDS MORE THAN FIVE ROUNDS OF AMMUNITION;
(III) A SEMIAUTOMATIC SHOTGUN THAT CANNOT HOLD MORE THAN FIVE ROUNDS OF AMMUNITION IN A FIXED OR DETACHABLE MAGAZINE; OR
(IV) A RIFLE, SHOTGUN OR PISTOL, OR A REPLICA OR A DUPLICATE THEREOF, SPECIFIED IN APPENDIX A TO 18 U.S.C. 922 AS SUCH WEAPON WAS MANUFACTURED ON OCTOBER FIRST, NINETEEN HUNDRED NINETY-THREE. THE MERE FACT THAT A WEAPON IS NOT LISTED IN APPENDIX A SHALL NOT BE CONSTRUED TO MEAN THAT SUCH WEAPON IS AN ASSAULT WEAPON;
(V) ANY WEAPON VALIDLY REGISTERED PURSUANT TO SUBDIVISION SIXTEEN-A OF SECTION 400.00 OF THIS CHAPTER. SUCH WEAPONS SHALL BE SUBJECT TO THE PROVISIONS OF PARAGRAPH (H) OF THIS SUBDIVISION;
(VI) ANY FIREARM, RIFLE, OR SHOTGUN THAT WAS MANUFACTURED AT LEAST FIFTY YEARS PRIOR TO THE CURRENT DATE, BUT NOT INCLUDING REPLICAS THERE-

OF THAT IS VALIDLY REGISTERED PURSUANT TO SUBDIVISION SIXTEEN-A OF SECTION 400.00 OF THIS CHAPTER;

(H) ANY WEAPON DEFINED IN PARAGRAPH (E) OR (F) OF THIS SUBDIVISION AND ANY LARGE CAPACITY AMMUNITION FEEDING DEVICE THAT WAS LEGALLY POSSESSED BY AN INDIVIDUAL PRIOR TO THE ENACTMENT OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PARAGRAPH, MAY ONLY BE SOLD TO, EXCHANGED WITH OR DISPOSED OF TO A PURCHASER AUTHORIZED TO POSSESS SUCH WEAPONS OR TO AN INDIVIDUAL OR ENTITY OUTSIDE OF THE STATE PROVIDED THAT ANY SUCH TRANSFER TO AN INDIVIDUAL OR ENTITY OUTSIDE OF THE STATE MUST BE REPORTED TO THE ENTITY WHEREIN THE WEAPON IS REGISTERED WITHIN SEVENTY-TWO HOURS OF SUCH TRANSFER. AN INDIVIDUAL WHO TRANSFERS ANY SUCH WEAPON OR LARGE CAPACITY AMMUNITION DEVICE TO AN INDIVIDUAL INSIDE NEW YORK STATE OR WITHOUT COMPLYING WITH THE PROVISIONS OF THIS PARAGRAPH SHALL BE GUILTY OF A CLASS A MISDEMEANOR UNLESS SUCH LARGE CAPACITY AMMUNITION FEEDING DEVICE, THE POSSESSION OF WHICH IS MADE ILLEGAL BY THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PARAGRAPH, IS TRANSFERRED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PARAGRAPH.

S 38. Subdivision 23 of section 265.00 of the penal law, as added by chapter 189 of the laws of 2000, is amended to read as follows:

23. "Large capacity ammunition feeding device" means a magazine, belt, drum, feed strip, or similar device, [manufactured after September thirteenth, nineteen hundred ninety-four,] that (A) has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition, OR (B) CONTAINS MORE THAN SEVEN ROUNDS OF AMMUNITION, OR (C) IS OBTAINED AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH AMENDED THIS SUBDIVISION AND HAS A CAPACITY OF, OR THAT CAN BE READILY RESTORED OR CONVERTED TO ACCEPT, MORE THAN SEVEN ROUNDS OF AMMUNITION; provided, however, that such term does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition OR A FEEDING DEVICE THAT IS A CURIO OR RELIC. A FEEDING DEVICE THAT IS A CURIO OR RELIC IS DEFINED AS A DEVICE THAT (I) WAS MANUFACTURED AT LEAST FIFTY YEARS PRIOR TO THE CURRENT DATE, (II) IS ONLY CAPABLE OF BEING USED EXCLUSIVELY IN A FIREARM, RIFLE, OR SHOTGUN THAT WAS MANUFACTURED AT LEAST FIFTY YEARS PRIOR TO THE CURRENT DATE, BUT NOT INCLUDING REPLICAS THEREOF, (III) IS POSSESSED BY AN INDIVIDUAL WHO IS NOT PROHIBITED BY STATE OR FEDERAL LAW FROM POSSESSING A FIREARM AND (IV) IS REGISTERED WITH THE DIVISION OF STATE POLICE PURSUANT TO SUBDIVISION SIXTEEN-A OF SECTION 400.00 OF THIS CHAPTER, EXCEPT SUCH FEEDING DEVICES TRANSFERRED INTO THE STATE MAY BE REGISTERED AT ANY TIME, PROVIDED THEY ARE REGISTERED WITHIN THIRTY DAYS OF THEIR TRANSFER INTO THE STATE. NOTWITHSTANDING PARAGRAPH (H) OF SUBDIVISION TWENTY-TWO OF THIS SECTION, SUCH FEEDING DEVICES MAY BE TRANSFERRED PROVIDED THAT SUCH TRANSFER SHALL BE SUBJECT TO THE PROVISIONS OF SECTION 400.03 OF THIS CHAPTER INCLUDING THE CHECK REQUIRED TO BE CONDUCTED PURSUANT TO SUCH SECTION.

S 39. Section 265.00 of the penal law is amended by adding a new subdivision 24 to read as follows:

24. "SELLER OF AMMUNITION" MEANS ANY PERSON, FIRM, PARTNERSHIP, CORPORATION OR COMPANY WHO ENGAGES IN THE BUSINESS OF PURCHASING, SELLING OR KEEPING AMMUNITION.

S 40. Section 265.01 of the penal law, as added by chapter 1041 of the laws of 1974, subdivision 1 as amended by chapter 257 of the laws of 2008, subdivision 2 as amended by chapter 220 of the laws of 1988, subdivision 3 as amended by chapter 199 of the laws of 2006, subdivision 4 as amended by chapter 357 of the laws of 2011, subdivision 7 as added

by chapter 807 of the laws of 1981, and subdivision 8 as added by chapter 646 of the laws of 1986, is amended to read as follows:

S 265.01 Criminal possession of a weapon in the fourth degree.

A person is guilty of criminal possession of a weapon in the fourth degree when:

(1) He or she possesses any firearm, electronic dart gun, electronic stun gun, gravity knife, switchblade knife, pilum ballistic knife, metal knuckle knife, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, wrist-brace type slingshot or slungshot, shirken or "Kung Fu star"; or

(2) He possesses any dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, or any other dangerous or deadly instrument or weapon with intent to use the same unlawfully against another; or

(3) [He or she knowingly has in his or her possession a rifle, shotgun or firearm in or upon a building or grounds, used for educational purposes, of any school, college or university, except the forestry lands, wherever located, owned and maintained by the State University of New York college of environmental science and forestry, or upon a school bus as defined in section one hundred forty-two of the vehicle and traffic law, without the written authorization of such educational institution]; or

(4) He possesses a rifle, shotgun, antique firearm, black powder rifle, black powder shotgun, or any muzzle-loading firearm, and has been convicted of a felony or serious offense; or

(5) He possesses any dangerous or deadly weapon and is not a citizen of the United States; or

(6) He is a person who has been certified not suitable to possess a rifle or shotgun, as defined in subdivision sixteen of section 265.00, and refuses to yield possession of such rifle or shotgun upon the demand of a police officer. Whenever a person is certified not suitable to possess a rifle or shotgun, a member of the police department to which such certification is made, or of the state police, shall forthwith seize any rifle or shotgun possessed by such person. A rifle or shotgun seized as herein provided shall not be destroyed, but shall be delivered to the headquarters of such police department, or state police, and there retained until the aforesaid certificate has been rescinded by the director or physician in charge, or other disposition of such rifle or shotgun has been ordered or authorized by a court of competent jurisdiction.

(7) He knowingly possesses a bullet containing an explosive substance designed to detonate upon impact.

(8) He possesses any armor piercing ammunition with intent to use the same unlawfully against another.

Criminal possession of a weapon in the fourth degree is a class A misdemeanor.

S 41. The penal law is amended by adding a new section 265.01-a to read as follows:

S 265.01-A. CRIMINAL POSSESSION OF A WEAPON ON SCHOOL GROUNDS.

A PERSON IS GUILTY OF CRIMINAL POSSESSION OF A WEAPON ON SCHOOL GROUNDS WHEN HE OR SHE KNOWINGLY HAS IN HIS OR HER POSSESSION A RIFLE, SHOTGUN, OR FIREARM IN OR UPON A BUILDING OR GROUNDS, USED FOR EDUCATIONAL PURPOSES, OF ANY SCHOOL, COLLEGE, OR UNIVERSITY, EXCEPT THE FORESTRY LANDS, WHEREVER LOCATED, OWNED AND MAINTAINED BY THE STATE UNIVERSITY OF NEW YORK COLLEGE OF ENVIRONMENTAL SCIENCE AND FORESTRY, OR UPON A SCHOOL BUS AS DEFINED IN SECTION ONE HUNDRED FORTY-TWO OF THE

VEHICLE AND TRAFFIC LAW, WITHOUT THE WRITTEN AUTHORIZATION OF SUCH EDUCATIONAL INSTITUTION.

CRIMINAL POSSESSION OF A WEAPON ON SCHOOL GROUNDS IS A CLASS E FELONY.

S 41-a. The penal law is amended by adding a new section 265.01-b to read as follows:

S 265.01-B CRIMINAL POSSESSION OF A FIREARM.

A PERSON IS GUILTY OF CRIMINAL POSSESSION OF A FIREARM WHEN HE OR SHE: (1) POSSESSES ANY FIREARM OR; (2) LAWFULLY POSSESSES A FIREARM PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS SECTION SUBJECT TO THE REGISTRATION REQUIREMENTS OF SUBDIVISION SIXTEEN-A OF SECTION 400.00 OF THIS CHAPTER AND KNOWINGLY FAILS TO REGISTER SUCH FIREARM PURSUANT TO SUCH SUBDIVISION.

CRIMINAL POSSESSION OF A FIREARM IS A CLASS E FELONY.

S 41-b. Subdivision 8 of section 265.02 of the penal law, as amended by chapter 764 of the laws of 2005, is amended and two new subdivisions 9 and 10 are added to read as follows:

(8) Such person possesses a large capacity ammunition feeding device. FOR PURPOSES OF THIS SUBDIVISION, A LARGE CAPACITY AMMUNITION FEEDING DEVICE SHALL NOT INCLUDE AN AMMUNITION FEEDING DEVICE LAWFULLY POSSESSED BY SUCH PERSON BEFORE THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH AMENDED THIS SUBDIVISION, THAT HAS A CAPACITY OF, OR THAT CAN BE READILY RESTORED OR CONVERTED TO ACCEPT MORE THAN SEVEN BUT LESS THAN ELEVEN ROUNDS OF AMMUNITION, OR THAT WAS MANUFACTURED BEFORE SEPTEMBER THIRTEENTH, NINETEEN HUNDRED NINETY-FOUR, THAT HAS A CAPACITY OF, OR THAT CAN BE READILY RESTORED OR CONVERTED TO ACCEPT, MORE THAN TEN ROUNDS OF AMMUNITION; OR

(9) SUCH PERSON POSSESSES AN UNLOADED FIREARM AND ALSO COMMITS A DRUG TRAFFICKING FELONY AS DEFINED IN SUBDIVISION TWENTY-ONE OF SECTION 10.00 OF THIS CHAPTER AS PART OF THE SAME CRIMINAL TRANSACTION; OR

(10) SUCH PERSON POSSESSES AN UNLOADED FIREARM AND ALSO COMMITS ANY VIOLENT FELONY OFFENSE AS DEFINED IN SUBDIVISION ONE OF SECTION 70.02 OF THIS CHAPTER AS PART OF THE SAME CRIMINAL TRANSACTION.

S 42. Subdivision 2 of section 265.09 of the penal law, as added by chapter 650 of the laws of 1996, is amended to read as follows:

(2) Sentencing. Notwithstanding any other provision of law to the contrary, when a person is convicted of criminal use of a firearm in the first degree as defined in subdivision one of this section, the court shall impose an additional consecutive sentence of five years to the [minimum term of an indeterminate] sentence imposed on the underlying class B violent felony offense where the person convicted of such crime displays a loaded weapon from which a shot, readily capable of producing death or other serious injury may be discharged, in furtherance of the commission of such crime, provided, however, that such additional sentence shall not be imposed if the court, having regard to the nature and circumstances of the crime and to the history and character of the defendant, finds on the record that such additional consecutive sentence would be unduly harsh and that not imposing such sentence would be consistent with the public safety and would not deprecate the seriousness of the crime. Notwithstanding any other provision of law to the contrary, the aggregate of the five year consecutive term imposed pursuant to this subdivision and the minimum term of the indeterminate sentence imposed on the underlying class B violent felony shall constitute the new aggregate minimum term of imprisonment, and a person subject to such term shall be required to serve the entire aggregate minimum term and shall not be eligible for release on parole or conditional release during such term. This subdivision shall not apply where

the defendant's criminal liability for displaying a loaded weapon from which a shot, readily capable of producing death or other serious injury may be discharged, in furtherance of the commission of crime is based on the conduct of another pursuant to section 20.00 of [the penal law] THIS CHAPTER.

S 43. Section 265.17 of the penal law, as added by chapter 189 of the laws of 2000, is amended to read as follows:

S 265.17 Criminal purchase OR DISPOSAL of a weapon.

A person is guilty of criminal purchase OR DISPOSAL of a weapon when:

1. Knowing that he or she is prohibited by law from possessing a firearm, rifle or shotgun because of a prior conviction or because of some other disability which would render him or her ineligible to lawfully possess a firearm, rifle or shotgun in this state, such person [attempts to purchase] PURCHASES a firearm, rifle or shotgun from another person; or

2. Knowing that it would be unlawful for another person to possess a firearm, rifle or shotgun, he or she purchases a firearm, rifle or shotgun for, on behalf of, or for the use of such other person[.]; OR

3. KNOWING THAT ANOTHER PERSON IS PROHIBITED BY LAW FROM POSSESSING A FIREARM, RIFLE OR SHOTGUN BECAUSE OF A PRIOR CONVICTION OR BECAUSE OF SOME OTHER DISABILITY WHICH WOULD RENDER HIM OR HER INELIGIBLE TO LAWFULLY POSSESS A FIREARM, RIFLE OR SHOTGUN IN THIS STATE, A PERSON DISPOSES OF A FIREARM, RIFLE OR SHOTGUN TO SUCH OTHER PERSON.

Criminal purchase OR DISPOSAL of a weapon is a class [A misdemeanor] D FELONY.

S 44. Intentionally omitted.

S 45. The penal law is amended by adding a new section 265.19 to read as follows:

S 265.19 AGGRAVATED CRIMINAL POSSESSION OF A WEAPON.

A PERSON IS GUILTY OF AGGRAVATED CRIMINAL POSSESSION OF A WEAPON WHEN HE OR SHE COMMITS THE CRIME OF CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE AS DEFINED IN SUBDIVISION THREE OF SECTION 265.03 OF THIS ARTICLE AND ALSO COMMITS ANY VIOLENT FELONY OFFENSE AS DEFINED IN SUBDIVISION ONE OF SECTION 70.02 OF THIS CHAPTER OR A DRUG TRAFFICKING FELONY AS DEFINED IN SUBDIVISION TWENTY-ONE OF SECTION 10.00 OF THIS CHAPTER ARISING OUT OF THE SAME CRIMINAL TRANSACTION.

AGGRAVATED CRIMINAL POSSESSION OF A WEAPON IS A CLASS C FELONY.

S 46. Paragraph 3 of subdivision a of section 265.20 of the penal law, as amended by chapter 210 of the laws of 1999, is amended and a new paragraph 7-f is added to read as follows:

3. Possession of a pistol or revolver by a person to whom a license therefor has been issued as provided under section 400.00 or 400.01 of this chapter OR POSSESSION OF A WEAPON AS DEFINED IN PARAGRAPH (E) OR (F) OF SUBDIVISION TWENTY-TWO OF SECTION 265.00 OF THIS ARTICLE WHICH IS REGISTERED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION SIXTEEN-A OF SECTION 400.00 OF THIS CHAPTER OR IS INCLUDED ON AN AMENDED LICENSE ISSUED PURSUANT TO SECTION 400.00 OF THIS CHAPTER. IN THE EVENT SUCH LICENSE IS REVOKED, OTHER THAN BECAUSE SUCH LICENSEE IS NO LONGER PERMITTED TO POSSESS A FIREARM, RIFLE OR SHOTGUN UNDER FEDERAL OR STATE LAW, INFORMATION SUFFICIENT TO SATISFY THE REQUIREMENTS OF SUBDIVISION SIXTEEN-A OF SECTION 400.00 OF THIS CHAPTER, SHALL BE TRANSMITTED BY THE LICENSING OFFICER TO THE STATE POLICE, IN A FORM AS DETERMINED BY THE SUPERINTENDENT OF STATE POLICE. SUCH TRANSMISSION SHALL CONSTITUTE A VALID REGISTRATION UNDER SUCH SECTION. FURTHER PROVIDED, NOTWITHSTANDING ANY OTHER SECTION OF THIS TITLE, A FAILURE TO REGISTER SUCH WEAPON BY AN INDIVIDUAL WHO POSSESSES SUCH WEAPON BEFORE THE ENACTMENT OF THE CHAPTER OF THE

LAWS OF TWO THOUSAND THIRTEEN WHICH AMENDED THIS PARAGRAPH AND MAY SO LAWFULLY POSSESS IT THEREAFTER UPON REGISTRATION, SHALL ONLY BE SUBJECT TO PUNISHMENT PURSUANT TO PARAGRAPH (C) OF SUBDIVISION SIXTEEN-A OF SECTION 400.00 OF THIS CHAPTER; provided, that such a license OR REGISTRATION shall not preclude a conviction for the offense defined in subdivision three of section 265.01 of this article OR SECTION 265.01-A OF THIS ARTICLE.

7-F. POSSESSION AND USE OF A MAGAZINE, BELT, FEED STRIP OR SIMILAR DEVICE, THAT CONTAINS MORE THAN SEVEN ROUNDS OF AMMUNITION, BUT THAT DOES NOT HAVE A CAPACITY OF OR CAN READILY BE RESTORED OR CONVERTED TO ACCEPT MORE THAN TEN ROUNDS OF AMMUNITION, AT AN INDOOR OR OUTDOOR FIRING RANGE LOCATED IN OR ON PREMISES OWNED OR OCCUPIED BY A DULY INCORPORATED ORGANIZATION ORGANIZED FOR CONSERVATION PURPOSES OR TO FOSTER PROFICIENCY IN ARMS; AT AN INDOOR OR OUTDOOR FIRING RANGE FOR THE PURPOSE OF FIRING A RIFLE OR SHOTGUN; AT A COLLEGIATE, OLYMPIC OR TARGET SHOOTING COMPETITION UNDER THE AUSPICES OF OR APPROVED BY THE NATIONAL RIFLE ASSOCIATION; OR AT AN ORGANIZED MATCH SANCTIONED BY THE INTERNATIONAL HANDGUN METALLIC SILHOUETTE ASSOCIATION.

S 46-a. The penal law is amended by adding two new sections 265.36 and 265.37 to read as follows:

S 265.36 UNLAWFUL POSSESSION OF A LARGE CAPACITY AMMUNITION FEEDING DEVICE.

IT SHALL BE UNLAWFUL FOR A PERSON TO KNOWINGLY POSSESS A LARGE CAPACITY AMMUNITION FEEDING DEVICE MANUFACTURED BEFORE SEPTEMBER THIRTEENTH, NINETEEN HUNDRED NINETY-FOUR, AND IF SUCH PERSON LAWFULLY POSSESSED SUCH LARGE CAPACITY FEEDING DEVICE BEFORE THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS SECTION, THAT HAS A CAPACITY OF, OR THAT CAN BE READILY RESTORED OR CONVERTED TO ACCEPT, MORE THAN TEN ROUNDS OF AMMUNITION.

AN INDIVIDUAL WHO HAS A REASONABLE BELIEF THAT SUCH DEVICE IS OF SUCH A CHARACTER THAT IT MAY LAWFULLY BE POSSESSED AND WHO SURRENDERS OR LAWFULLY DISPOSES OF SUCH DEVICE WITHIN THIRTY DAYS OF BEING NOTIFIED BY LAW ENFORCEMENT OR COUNTY LICENSING OFFICIALS THAT SUCH POSSESSION IS UNLAWFUL SHALL NOT BE GUILTY OF THIS OFFENSE. IT SHALL BE A REBUTTABLE PRESUMPTION THAT SUCH PERSON KNOWS THAT SUCH LARGE CAPACITY AMMUNITION FEEDING DEVICE MAY NOT BE LAWFULLY POSSESSED IF HE OR SHE HAS BEEN CONTACTED BY LAW ENFORCEMENT OR COUNTY LICENSING OFFICIALS AND INFORMED THAT SUCH DEVICE MAY NOT BE LAWFULLY POSSESSED.

UNLAWFUL POSSESSION OF A LARGE CAPACITY AMMUNITION FEEDING DEVICE IS A CLASS A MISDEMEANOR.

S 265.37 UNLAWFUL POSSESSION OF CERTAIN AMMUNITION FEEDING DEVICES.

IT SHALL BE UNLAWFUL FOR A PERSON TO KNOWINGLY POSSESS AN AMMUNITION FEEDING DEVICE THAT SUCH PERSON LAWFULLY POSSESSED BEFORE THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS SECTION, THAT HAS A CAPACITY OF, OR THAT CAN BE READILY RESTORED OR CONVERTED TO ACCEPT MORE THAN SEVEN BUT LESS THAN TEN ROUNDS OF AMMUNITION, WHERE SUCH DEVICE CONTAINS MORE THAN SEVEN ROUNDS OF AMMUNITION.

IF SUCH DEVICE CONTAINING MORE THAN SEVEN ROUNDS OF AMMUNITION IS POSSESSED WITHIN THE HOME OF THE POSSESSOR, THE PERSON SO POSSESSING THE DEVICE SHALL, FOR A FIRST OFFENSE, BE GUILTY OF A VIOLATION AND SUBJECT TO A FINE OF TWO HUNDRED DOLLARS, AND FOR A SECOND OFFENSE, BE GUILTY OF A CLASS B MISDEMEANOR AND SUBJECT TO A FINE OF TWO HUNDRED DOLLARS AND A TERM OF UP TO THREE MONTHS IMPRISONMENT.

IF SUCH DEVICE CONTAINING MORE THAN SEVEN ROUNDS OF AMMUNITION IS POSSESSED IN ANY LOCATION OTHER THAN THE HOME OF THE POSSESSOR, THE PERSON SO POSSESSING THE DEVICE SHALL, FOR A FIRST OFFENSE, BE GUILTY OF

A CLASS B MISDEMEANOR AND SUBJECT TO A FINE OF TWO HUNDRED DOLLARS AND A TERM OF UP TO SIX MONTHS IMPRISONMENT, AND FOR A SECOND OFFENSE, BE GUILTY OF A CLASS A MISDEMEANOR.

S 47. The penal law is amended by adding a new section 265.45 to read as follows:

S 265.45 SAFE STORAGE OF RIFLES, SHOTGUNS, AND FIREARMS.

NO PERSON WHO OWNS OR IS CUSTODIAN OF A RIFLE, SHOTGUN OR FIREARM WHO RESIDES WITH AN INDIVIDUAL WHO SUCH PERSON KNOWS OR HAS REASON TO KNOW IS PROHIBITED FROM POSSESSING A FIREARM PURSUANT TO 18 U.S.C. S 922(G)(1), (4), (8) OR (9) SHALL STORE OR OTHERWISE LEAVE SUCH RIFLE, SHOTGUN OR FIREARM OUT OF HIS OR HER IMMEDIATE POSSESSION OR CONTROL WITHOUT HAVING FIRST SECURELY LOCKED SUCH RIFLE, SHOTGUN OR FIREARM IN AN APPROPRIATE SAFE STORAGE DEPOSITORY OR RENDERED IT INCAPABLE OF BEING FIRED BY USE OF A GUN LOCKING DEVICE APPROPRIATE TO THAT WEAPON. FOR PURPOSES OF THIS SECTION "SAFE STORAGE DEPOSITORY" SHALL MEAN A SAFE OR OTHER SECURE CONTAINER WHICH, WHEN LOCKED, IS INCAPABLE OF BEING OPENED WITHOUT THE KEY, COMBINATION OR OTHER UNLOCKING MECHANISM AND IS CAPABLE OF PREVENTING AN UNAUTHORIZED PERSON FROM OBTAINING ACCESS TO AND POSSESSION OF THE WEAPON CONTAINED THEREIN. WITH RESPECT TO A PERSON WHO IS PROHIBITED FROM POSSESSING A FIREARM PURSUANT TO 18 USC S 922(G)(9), FOR PURPOSES OF THIS SECTION, THIS SECTION APPLIES ONLY IF SUCH PERSON HAS BEEN CONVICTED OF A CRIME INCLUDED IN SUBDIVISION ONE OF SECTION 370.15 OF THE CRIMINAL PROCEDURE LAW AND SUCH GUN IS POSSESSED WITHIN FIVE YEARS FROM THE LATER OF THE DATE OF CONVICTION OR COMPLETION OF SENTENCE.

A VIOLATION OF THIS SECTION SHALL CONSTITUTE A CLASS A MISDEMEANOR.

S 48. Subdivision 1, paragraph (a) of subdivision 3, subdivisions 4, 5, 9, 10, 11, 12 and 15 of section 400.00 of the penal law, subdivision 1 as amended by chapter 189 of the laws of 2000, paragraph (a) of subdivision 3 as designated by chapter 778 of the laws of 1985, subdivision 4 as amended by chapter 331 of the laws of 2005, subdivision 5 as amended by chapter 332 of the laws of 1994, subdivision 9 as amended by chapter 172 of the laws of 1973, subdivision 10 as amended by chapter 447 of the laws of 1997, subdivision 11 as amended by chapter 210 of the laws of 1999, and subdivision 12 as amended by chapter 449 of the laws of 1993, are amended and two new subdivisions 16-a and 16-b are added to read as follows:

1. Eligibility. No license shall be issued or renewed pursuant to this section except by the licensing officer, and then only after investigation and finding that all statements in a proper application for a license are true. No license shall be issued or renewed except for an applicant (a) twenty-one years of age or older, provided, however, that where such applicant has been honorably discharged from the United States army, navy, marine corps, air force or coast guard, or the national guard of the state of New York, no such age restriction shall apply; (b) of good moral character; (c) who has not been convicted anywhere of a felony or a serious offense; (d) WHO IS NOT A FUGITIVE FROM JUSTICE; (E) WHO IS NOT AN UNLAWFUL USER OF OR ADDICTED TO ANY CONTROLLED SUBSTANCE AS DEFINED IN SECTION 21 U.S.C. 802; (F) WHO BEING AN ALIEN (I) IS NOT ILLEGALLY OR UNLAWFULLY IN THE UNITED STATES OR (II) HAS NOT BEEN ADMITTED TO THE UNITED STATES UNDER A NONIMMIGRANT VISA SUBJECT TO THE EXCEPTION IN 18 U.S.C. 922(Y)(2); (G) WHO HAS NOT BEEN DISCHARGED FROM THE ARMED FORCES UNDER DISHONORABLE CONDITIONS; (H) WHO, HAVING BEEN A CITIZEN OF THE UNITED STATES, HAS NOT RENOUNCED HIS OR HER CITIZENSHIP; (I) who has stated whether he or she has ever suffered any mental illness [or been confined to any hospital or institution, public

or private, for mental illness]; (J) WHO HAS NOT BEEN INVOLUNTARILY COMMITTED TO A FACILITY UNDER THE JURISDICTION OF AN OFFICE OF THE DEPARTMENT OF MENTAL HYGIENE PURSUANT TO ARTICLE NINE OR FIFTEEN OF THE MENTAL HYGIENE LAW, ARTICLE SEVEN HUNDRED THIRTY OR SECTION 330.20 OF THE CRIMINAL PROCEDURE LAW, SECTION FOUR HUNDRED TWO OR FIVE HUNDRED EIGHT OF THE CORRECTION LAW, SECTION 322.2 OR 353.4 OF THE FAMILY COURT ACT, OR HAS NOT BEEN CIVILLY CONFINED IN A SECURE TREATMENT FACILITY PURSUANT TO ARTICLE TEN OF THE MENTAL HYGIENE LAW; [(e)] (K) who has not had a license revoked or who is not under a suspension or ineligibility order issued pursuant to the provisions of section 530.14 of the criminal procedure law or section eight hundred forty-two-a of the family court act; [(f)] (L) in the county of Westchester, who has successfully completed a firearms safety course and test as evidenced by a certificate of completion issued in his or her name and endorsed and affirmed under the penalties of perjury by a duly authorized instructor, except that: (i) persons who are honorably discharged from the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York, and produce evidence of official qualification in firearms during the term of service are not required to have completed those hours of a firearms safety course pertaining to the safe use, carrying, possession, maintenance and storage of a firearm; and (ii) persons who were licensed to possess a pistol or revolver prior to the effective date of this paragraph are not required to have completed a firearms safety course and test; [and (g)] (M) WHO HAS NOT HAD A GUARDIAN APPOINTED FOR HIM OR HER PURSUANT TO ANY PROVISION OF STATE LAW, BASED ON A DETERMINATION THAT AS A RESULT OF MARKED SUBNORMAL INTELLIGENCE, MENTAL ILLNESS, INCAPACITY, CONDITION OR DISEASE, HE OR SHE LACKS THE MENTAL CAPACITY TO CONTRACT OR MANAGE HIS OR HER OWN AFFAIRS; AND (N) concerning whom no good cause exists for the denial of the license. No person shall engage in the business of gunsmith or dealer in firearms unless licensed pursuant to this section. An applicant to engage in such business shall also be a citizen of the United States, more than twenty-one years of age and maintain a place of business in the city or county where the license is issued. For such business, if the applicant is a firm or partnership, each member thereof shall comply with all of the requirements set forth in this subdivision and if the applicant is a corporation, each officer thereof shall so comply.

(a) Applications shall be made and renewed, in the case of a license to carry or possess a pistol or revolver, to the licensing officer in the city or county, as the case may be, where the applicant resides, is principally employed or has his OR HER principal place of business as merchant or storekeeper; and, in the case of a license as gunsmith or dealer in firearms, to the licensing officer where such place of business is located. Blank applications shall, except in the city of New York, be approved as to form by the superintendent of state police. An application shall state the full name, date of birth, residence, present occupation of each person or individual signing the same, whether or not he OR SHE is a citizen of the United States, whether or not he OR SHE complies with each requirement for eligibility specified in subdivision one of this section and such other facts as may be required to show the good character, competency and integrity of each person or individual signing the application. An application shall be signed and verified by the applicant. Each individual signing an application shall submit one photograph of himself OR HERSELF and a duplicate for each required copy of the application. Such photographs shall have been taken within thirty days prior to filing the application. In case of a license as gunsmith

or dealer in firearms, the photographs submitted shall be two inches square, and the application shall also state the previous occupation of each individual signing the same and the location of the place of such business, or of the bureau, agency, subagency, office or branch office for which the license is sought, specifying the name of the city, town or village, indicating the street and number and otherwise giving such apt description as to point out reasonably the location thereof. In such case, if the applicant is a firm, partnership or corporation, its name, date and place of formation, and principal place of business shall be stated. For such firm or partnership, the application shall be signed and verified by each individual composing or intending to compose the same, and for such corporation, by each officer thereof.

4. Investigation. Before a license is issued or renewed, there shall be an investigation of all statements required in the application by the duly constituted police authorities of the locality where such application is made, INCLUDING BUT NOT LIMITED TO SUCH RECORDS AS MAY BE ACCESSIBLE TO THE DIVISION OF STATE POLICE OR DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO SECTION 400.02 OF THIS ARTICLE. For that purpose, the records of the appropriate office of the department of mental hygiene concerning previous or present mental illness of the applicant shall be available for inspection by the investigating officer of the police authority. In order to ascertain any previous criminal record, the investigating officer shall take the fingerprints and physical descriptive data in quadruplicate of each individual by whom the application is signed and verified. Two copies of such fingerprints shall be taken on standard fingerprint cards eight inches square, and one copy may be taken on a card supplied for that purpose by the federal bureau of investigation; provided, however, that in the case of a corporate applicant that has already been issued a dealer in firearms license and seeks to operate a firearm dealership at a second or subsequent location, the original fingerprints on file may be used to ascertain any criminal record in the second or subsequent application unless any of the corporate officers have changed since the prior application, in which case the new corporate officer shall comply with procedures governing an initial application for such license. When completed, one standard card shall be forwarded to and retained by the division of criminal justice services in the executive department, at Albany. A search of the files of such division and written notification of the results of the search to the investigating officer shall be made without unnecessary delay. Thereafter, such division shall notify the licensing officer and the executive department, division of state police, Albany, of any criminal record of the applicant filed therein subsequent to the search of its files. A second standard card, or the one supplied by the federal bureau of investigation, as the case may be, shall be forwarded to that bureau at Washington with a request that the files of the bureau be searched and notification of the results of the search be made to the investigating police authority. [The failure or refusal of the federal bureau of investigation to make the fingerprint check provided for in this section shall not constitute the sole basis for refusal to issue a permit pursuant to the provisions of this section.] Of the remaining two fingerprint cards, one shall be filed with the executive department, division of state police, Albany, within ten days after issuance of the license, and the other remain on file with the investigating police authority. No such fingerprints may be inspected by any person other than a peace officer, who is acting pursuant to his special duties, or a police officer, except on order of a judge or justice of a court of

record either upon notice to the licensee or without notice, as the judge or justice may deem appropriate. Upon completion of the investigation, the police authority shall report the results to the licensing officer without unnecessary delay.

5. Filing of approved applications. (A) The application for any license, if granted, shall be filed by the licensing officer with the clerk of the county of issuance, except that in the city of New York and, in the counties of Nassau and Suffolk, the licensing officer shall designate the place of filing in the appropriate division, bureau or unit of the police department thereof, and in the county of Suffolk the county clerk is hereby authorized to transfer all records or applications relating to firearms to the licensing authority of that county. [The] EXCEPT AS PROVIDED IN PARAGRAPHS (B) THROUGH (F) OF THIS SUBDIVISION, THE name and address of any person to whom an application for any license has been granted shall be a public record. Upon application by a licensee who has changed his place of residence such records or applications shall be transferred to the appropriate officer at the licensee's new place of residence. A duplicate copy of such application shall be filed by the licensing officer in the executive department, division of state police, Albany, within ten days after issuance of the license. THE SUPERINTENDENT OF STATE POLICE MAY DESIGNATE THAT SUCH APPLICATION SHALL BE TRANSMITTED TO THE DIVISION OF STATE POLICE ELECTRONICALLY. IN THE EVENT THE SUPERINTENDENT OF THE DIVISION OF STATE POLICE DETERMINES THAT IT LACKS ANY OF THE RECORDS REQUIRED TO BE FILED WITH THE DIVISION, IT MAY REQUEST THAT SUCH RECORDS BE PROVIDED TO IT BY THE APPROPRIATE CLERK, DEPARTMENT OR AUTHORITY AND SUCH CLERK, DEPARTMENT OR AUTHORITY SHALL PROVIDE THE DIVISION WITH SUCH RECORDS. IN THE EVENT SUCH CLERK, DEPARTMENT OR AUTHORITY LACKS SUCH RECORDS, THE DIVISION MAY REQUEST THE LICENSE HOLDER PROVIDE INFORMATION SUFFICIENT TO CONSTITUTE SUCH RECORD AND SUCH LICENSE HOLDER SHALL PROVIDE THE DIVISION WITH SUCH INFORMATION. SUCH INFORMATION SHALL BE LIMITED TO THE LICENSE HOLDER'S NAME, DATE OF BIRTH, GENDER,RACE, RESIDENTIAL ADDRESS, SOCIAL SECURITY NUMBER AND FIREARMS POSSESSED BY SAID LICENSE HOLDER. Nothing in this subdivision shall be construed to change the expiration date or term of such licenses if otherwise provided for in law. RECORDS ASSEMBLED OR COLLECTED FOR PURPOSES OF INCLUSION IN THE DATABASE ESTABLISHED BY THIS SECTION SHALL BE RELEASED PURSUANT TO A COURT ORDER. RECORDS ASSEMBLED OR COLLECTED FOR PURPOSES OF INCLUSION IN THE DATABASE CREATED PURSUANT TO SECTION 400.02 OF THIS CHAPTER SHALL NOT BE SUBJECT TO DISCLOSURE PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

(B) EACH APPLICATION FOR A LICENSE PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION SHALL INCLUDE, ON A SEPARATE WRITTEN FORM PREPARED BY THE DIVISION OF STATE POLICE WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN, WHICH AMENDED THIS SECTION, AND PROVIDED TO THE APPLICANT AT THE SAME TIME AND IN THE SAME MANNER AS THE APPLICATION FOR A LICENSE, AN OPPORTUNITY FOR THE APPLICANT TO REQUEST AN EXCEPTION FROM HIS OR HER APPLICATION INFORMATION BECOMING PUBLIC RECORD PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION. SUCH FORMS, WHICH SHALL ALSO BE MADE AVAILABLE TO INDIVIDUALS WHO HAD APPLIED FOR OR BEEN GRANTED A LICENSE PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH AMENDED THIS SECTION, SHALL NOTIFY APPLICANTS THAT, UPON DISCOVERY THAT AN APPLICANT KNOWINGLY PROVIDED FALSE INFORMATION, SUCH APPLICANT MAY BE SUBJECT TO PENALTIES PURSUANT TO SECTION 175.30 OF THIS CHAPTER, AND FURTHER, THAT HIS OR HER REQUEST FOR AN EXCEPTION SHALL BE NULL AND VOID, PROVIDED THAT WRITTEN NOTICE CONTAINING SUCH DETERMINATION IS PROVIDED TO THE APPLICANT.

FURTHER, SUCH FORMS SHALL PROVIDE EACH APPLICANT AN OPPORTUNITY TO SPECIFY THE GROUNDS ON WHICH HE OR SHE BELIEVES HIS OR HER APPLICATION INFORMATION SHOULD NOT BE PUBLICLY DISCLOSED. THESE GROUNDS, WHICH SHALL BE IDENTIFIED ON THE APPLICATION WITH A BOX BESIDE EACH FOR CHECKING, AS APPLICABLE, BY THE APPLICANT, SHALL BE AS FOLLOWS:

(I) THE APPLICANT'S LIFE OR SAFETY MAY BE ENDANGERED BY DISCLOSURE BECAUSE:

(A) THE APPLICANT IS AN ACTIVE OR RETIRED POLICE OFFICER, PEACE OFFICER, PROBATION OFFICER, PAROLE OFFICER, OR CORRECTIONS OFFICER;

(B) THE APPLICANT IS A PROTECTED PERSON UNDER A CURRENTLY VALID ORDER OF PROTECTION;

(C) THE APPLICANT IS OR WAS A WITNESS IN A CRIMINAL PROCEEDING INVOLVING A CRIMINAL CHARGE;

(D) THE APPLICANT IS PARTICIPATING OR PREVIOUSLY PARTICIPATED AS A JUROR IN A CRIMINAL PROCEEDING, OR IS OR WAS A MEMBER OF A GRAND JURY; OR

(E) THE APPLICANT IS A SPOUSE, DOMESTIC PARTNER OR HOUSEHOLD MEMBER OF A PERSON IDENTIFIED IN THIS SUBPARAGRAPH OR SUBPARAGRAPH (II) OF THIS PARAGRAPH, SPECIFYING WHICH SUBPARAGRAPH OR SUBPARAGRAPHS AND CLAUSES APPLY.

(II) THE APPLICANT HAS REASON TO BELIEVE HIS OR HER LIFE OR SAFETY MAY BE ENDANGERED BY DISCLOSURE DUE TO REASONS STATED BY THE APPLICANT.

(III) THE APPLICANT HAS REASON TO BELIEVE HE OR SHE MAY BE SUBJECT TO UNWARRANTED HARASSMENT UPON DISCLOSURE OF SUCH INFORMATION.

(C) EACH FORM PROVIDED FOR RECERTIFICATION PURSUANT TO PARAGRAPH (B) OF SUBDIVISION TEN OF THIS SECTION SHALL INCLUDE AN OPPORTUNITY FOR THE APPLICANT TO REQUEST AN EXCEPTION FROM THE INFORMATION PROVIDED ON SUCH FORM BECOMING PUBLIC RECORD PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION. SUCH FORMS SHALL NOTIFY APPLICANTS THAT, UPON DISCOVERY THAT AN APPLICANT KNOWINGLY PROVIDED FALSE INFORMATION, SUCH APPLICANT MAY BE SUBJECT TO PENALTIES PURSUANT TO SECTION 175.30 OF THIS CHAPTER, AND FURTHER, THAT HIS OR HER REQUEST FOR AN EXCEPTION SHALL BE NULL AND VOID, PROVIDED THAT WRITTEN NOTICE CONTAINING SUCH DETERMINATION IS PROVIDED TO THE APPLICANT. FURTHER, SUCH FORMS SHALL PROVIDE EACH APPLICANT AN OPPORTUNITY TO EITHER DECLINE TO REQUEST THE GRANT OR CONTINUATION OF AN EXCEPTION, OR SPECIFY THE GROUNDS ON WHICH HE OR SHE BELIEVES HIS OR HER INFORMATION SHOULD NOT BE PUBLICLY DISCLOSED. THESE GROUNDS, WHICH SHALL BE IDENTIFIED IN THE APPLICATION WITH A BOX BESIDE EACH FOR CHECKING, AS APPLICABLE, BY THE APPLICANT, SHALL BE THE SAME AS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION.

(D) INFORMATION SUBMITTED ON THE FORMS DESCRIBED IN PARAGRAPH (B) OF THIS SUBDIVISION SHALL BE EXCEPTED FROM DISCLOSURE AND MAINTAINED BY THE ENTITY RETAINING SUCH INFORMATION SEPARATE AND APART FROM ALL OTHER RECORDS.

(E) (I) UPON RECEIVING A REQUEST FOR EXCEPTION FROM DISCLOSURE, THE LICENSING OFFICER SHALL GRANT SUCH EXCEPTION, UNLESS THE REQUEST IS DETERMINED TO BE NULL AND VOID, PURSUANT TO PARAGRAPH (B) OR (C) OF THIS SUBDIVISION.

(II) A REQUEST FOR AN EXCEPTION FROM DISCLOSURE MAY BE SUBMITTED AT ANY TIME, INCLUDING AFTER A LICENSE OR RECERTIFICATION HAS BEEN GRANTED.

(III) IF AN EXCEPTION IS SOUGHT AND GRANTED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, THE APPLICATION INFORMATION SHALL NOT BE PUBLIC RECORD, UNLESS THE REQUEST IS DETERMINED TO BE NULL AND VOID. IF AN EXCEPTION IS SOUGHT AND GRANTED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, THE INFORMATION CONCERNING SUCH RECERTIFICATION APPLICATION

SHALL NOT BE PUBLIC RECORD, UNLESS THE REQUEST IS DETERMINED TO BE NULL AND VOID.

(F) THE INFORMATION OF LICENSEES OR APPLICANTS FOR A LICENSE SHALL NOT BE DISCLOSED TO THE PUBLIC DURING THE FIRST ONE HUNDRED TWENTY DAYS FOLLOWING THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN, WHICH AMENDED THIS SECTION. AFTER SUCH PERIOD, THE INFORMATION OF THOSE WHO HAD APPLIED FOR OR BEEN GRANTED A LICENSE PRIOR TO THE PREPARATION OF THE FORM FOR REQUESTING AN EXCEPTION, PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, MAY BE RELEASED ONLY IF SUCH INDIVIDUALS DID NOT FILE A REQUEST FOR SUCH AN EXCEPTION DURING THE FIRST SIXTY DAYS FOLLOWING SUCH PREPARATION; PROVIDED, HOWEVER, THAT NO INFORMATION CONTAINED IN AN APPLICATION FOR LICENSURE OR RECERTIFICATION SHALL BE DISCLOSED BY AN ENTITY THAT HAS NOT COMPLETED PROCESSING ANY SUCH REQUESTS RECEIVED DURING SUCH SIXTY DAYS.

(G) IF A REQUEST FOR AN EXCEPTION IS DETERMINED TO BE NULL AND VOID PURSUANT TO PARAGRAPH (B) OR (C) OF THIS SUBDIVISION, AN APPLICANT MAY REQUEST REVIEW OF SUCH DETERMINATION PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAWS AND RULES. SUCH PROCEEDING MUST COMMENCE WITHIN THIRTY DAYS AFTER SERVICE OF THE WRITTEN NOTICE CONTAINING THE ADVERSE DETERMINATION. NOTICE OF THE RIGHT TO COMMENCE SUCH A PETITION, AND THE TIME PERIOD THEREFOR, SHALL BE INCLUDED IN THE NOTICE OF THE DETERMINATION. DISCLOSURE FOLLOWING SUCH A PETITION SHALL NOT BE MADE PRIOR TO THE DISPOSITION OF SUCH REVIEW.

9. License: amendment. Elsewhere than in the city of New York, a person licensed to carry or possess a pistol or revolver may apply at any time to his OR HER licensing officer for amendment of his OR HER license to include one or more such weapons or to cancel weapons held under license. If granted, a record of the amendment describing the weapons involved shall be filed by the licensing officer in the executive department, division of state police, Albany. THE SUPERINTENDENT OF STATE POLICE MAY AUTHORIZE THAT SUCH AMENDMENT BE COMPLETED AND TRANSMITTED TO THE STATE POLICE IN ELECTRONIC FORM. Notification of any change of residence shall be made in writing by any licensee within ten days after such change occurs, and a record of such change shall be inscribed by such licensee on the reverse side of his OR HER license. Elsewhere than in the city of New York, and in the counties of Nassau and Suffolk, such notification shall be made to the executive department, division of state police, Albany, and in the city of New York to the police commissioner of that city, and in the county of Nassau to the police commissioner of that county, and in the county of Suffolk to the licensing officer of that county, who shall, within ten days after such notification shall be received by him OR HER, give notice in writing of such change to the executive department, division of state police, at Albany.

10. License: expiration, certification and renewal. (A) 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 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. 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.

(B) ALL LICENSEES SHALL BE RECERTIFIED TO THE DIVISION OF STATE POLICE EVERY FIVE YEARS THEREAFTER. ANY LICENSE ISSUED BEFORE THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PARAGRAPH SHALL BE RECERTIFIED BY THE LICENSEE ON OR BEFORE JANUARY THIRTY-FIRST, TWO THOUSAND EIGHTEEN, AND NOT LESS THAN ONE YEAR PRIOR TO SUCH DATE, THE STATE POLICE SHALL SEND A NOTICE TO ALL LICENSE HOLDERS WHO HAVE NOT RECERTIFIED BY SUCH TIME. SUCH RECERTIFICATION SHALL BE IN A FORM AS APPROVED BY THE SUPERINTENDENT OF STATE POLICE, WHICH SHALL REQUEST THE LICENSE HOLDER'S NAME, DATE OF BIRTH, GENDER, RACE, RESIDENTIAL ADDRESS, SOCIAL SECURITY NUMBER, FIREARMS POSSESSED BY SUCH LICENSE HOLDER, EMAIL ADDRESS AT THE OPTION OF THE LICENSE HOLDER AND AN AFFIRMATION THAT SUCH LICENSE HOLDER IS NOT PROHIBITED FROM POSSESSING FIREARMS. THE FORM MAY BE IN AN ELECTRONIC FORM IF SO DESIGNATED BY THE SUPERINTENDENT OF STATE POLICE. FAILURE TO RECERTIFY SHALL ACT AS A REVOCATION OF SUCH LICENSE. IF THE NEW YORK STATE POLICE DISCOVER AS A RESULT OF THE RECERTIFICATION PROCESS THAT A LICENSEE FAILED TO PROVIDE A CHANGE OF ADDRESS, THE NEW YORK STATE POLICE SHALL NOT REQUIRE THE LICENSING OFFICER TO REVOKE SUCH LICENSE.

11. License: revocation and suspension. (A) The conviction of a licensee anywhere of a felony or serious offense OR A LICENSEE AT ANY TIME BECOMING INELIGIBLE TO OBTAIN A LICENSE UNDER THIS SECTION shall operate as a revocation of the license. A license may be revoked or suspended as provided for in section 530.14 of the criminal procedure law or section eight hundred forty-two-a of the family court act. Except for a license issued pursuant to section 400.01 of this article, a license may be revoked and cancelled at any time in the city of New York, and in the counties of Nassau and Suffolk, by the licensing officer, and elsewhere than in the city of New York by any judge or justice of a court of

record; a license issued pursuant to section 400.01 of this article may be revoked and cancelled at any time by the licensing officer or any judge or justice of a court of record. The official revoking a license shall give written notice thereof without unnecessary delay to the executive department, division of state police, Albany, and shall also notify immediately the duly constituted police authorities of the locality.

(B) WHENEVER THE DIRECTOR OF COMMUNITY SERVICES OR HIS OR HER DESIGNEE MAKES A REPORT PURSUANT TO SECTION 9.46 OF THE MENTAL HYGIENE LAW, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL CONVEY SUCH INFORMATION, WHENEVER IT DETERMINES THAT THE PERSON NAMED IN THE REPORT POSSESSES A LICENSE ISSUED PURSUANT TO THIS SECTION, TO THE APPROPRIATE LICENSING OFFICIAL, WHO SHALL ISSUE AN ORDER SUSPENDING OR REVOKING SUCH LICENSE.

(C) IN ANY INSTANCE IN WHICH A PERSON'S LICENSE IS SUSPENDED OR REVOKED UNDER PARAGRAPH (A) OR (B) OF THIS SUBDIVISION, SUCH PERSON SHALL SURRENDER SUCH LICENSE TO THE APPROPRIATE LICENSING OFFICIAL AND ANY AND ALL FIREARMS, RIFLES, OR SHOTGUNS OWNED OR POSSESSED BY SUCH PERSON SHALL BE SURRENDERED TO AN APPROPRIATE LAW ENFORCEMENT AGENCY AS PROVIDED IN SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 OF THIS CHAPTER. IN THE EVENT SUCH LICENSE, FIREARM, SHOTGUN, OR RIFLE IS NOT SURRENDERED, SUCH ITEMS SHALL BE REMOVED AND DECLARED A NUISANCE AND ANY POLICE OFFICER OR PEACE OFFICER ACTING PURSUANT TO HIS OR HER SPECIAL DUTIES IS AUTHORIZED TO REMOVE ANY AND ALL SUCH WEAPONS.

12. Records required of gunsmiths and dealers in firearms. Any person licensed as gunsmith or dealer in firearms shall keep a record book approved as to form, except in the city of New York, by the superintendent of state police. In the record book shall be entered at the time of every transaction involving a firearm the date, name, age, occupation and residence of any person from whom a firearm is received or to whom a firearm is delivered, and the calibre, make, model, manufacturer's name and serial number, or if none, any other distinguishing number or identification mark on such firearm. Before delivering a firearm to any person, the licensee shall require him to produce either a license valid under this section to carry or possess the same, or proof of lawful authority as an exempt person pursuant to section 265.20. In addition, before delivering a firearm to a peace officer, the licensee shall verify that person's status as a peace officer with the division of state police. After completing the foregoing, the licensee shall remove and retain the attached coupon and enter in the record book the date of such license, number, if any, and name of the licensing officer, in the case of the holder of a license to carry or possess, or the shield or other number, if any, assignment and department, unit or agency, in the case of an exempt person. The original transaction report shall be forwarded to the division of state police within ten days of delivering a firearm to any person, and a duplicate copy shall be kept by the licensee. THE SUPERINTENDENT OF STATE POLICE MAY DESIGNATE THAT SUCH RECORD SHALL BE COMPLETED AND TRANSMITTED IN ELECTRONIC FORM. A DEALER MAY BE GRANTED A WAIVER FROM TRANSMITTING SUCH RECORDS IN ELECTRONIC FORM IF THE SUPERINTENDENT DETERMINES THAT SUCH DEALER IS INCAPABLE OF SUCH TRANSMISSION DUE TO TECHNOLOGICAL LIMITATIONS THAT ARE NOT REASONABLY WITHIN THE CONTROL OF THE DEALER, OR OTHER EXCEPTIONAL CIRCUMSTANCES DEMONSTRATED BY THE DEALER, PURSUANT TO A PROCESS ESTABLISHED IN REGULATION, AND AT THE DISCRETION OF THE SUPERINTENDENT. RECORDS ASSEMBLED OR COLLECTED FOR PURPOSES OF INCLUSION IN THE DATABASE CREATED PURSUANT TO SECTION 400.02 OF THIS ARTICLE SHALL NOT BE SUBJECT TO DISCLOSURE PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW. The record book shall be maintained on

the premises mentioned and described in the license and shall be open at all reasonable hours for inspection by any peace officer, acting pursuant to his special duties, or police officer. In the event of cancellation or revocation of the license for gunsmith or dealer in firearms, or discontinuance of business by a licensee, such record book shall be immediately surrendered to the licensing officer in the city of New York, and in the counties of Nassau and Suffolk, and elsewhere in the state to the executive department, division of state police.

15. Any violation by any person of any provision of this section is a class A misdemeanor.

16-A. REGISTRATION. (A) AN OWNER OF A WEAPON DEFINED IN PARAGRAPH (E) OR (F) OF SUBDIVISION TWENTY-TWO OF SECTION 265.00 OF THIS CHAPTER, POSSESSED BEFORE THE DATE OF THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PARAGRAPH, MUST MAKE AN APPLICATION TO REGISTER SUCH WEAPON WITH THE SUPERINTENDENT OF STATE POLICE, IN THE MANNER PROVIDED BY THE SUPERINTENDENT, OR BY AMENDING A LICENSE ISSUED PURSUANT TO THIS SECTION WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SUBDIVISION EXCEPT ANY WEAPON DEFINED UNDER SUBPARAGRAPH (VI) OF PARAGRAPH (G) OF SUBDIVISION TWENTY-TWO OF SECTION 265.00 OF THIS CHAPTER TRANSFERRED INTO THE STATE MAY BE REGISTERED AT ANY TIME, PROVIDED SUCH WEAPONS ARE REGISTERED WITHIN THIRTY DAYS OF THEIR TRANSFER INTO THE STATE. REGISTRATION INFORMATION SHALL INCLUDE THE REGISTRANT'S NAME, DATE OF BIRTH, GENDER, RACE, RESIDENTIAL ADDRESS, SOCIAL SECURITY NUMBER AND A DESCRIPTION OF EACH WEAPON BEING REGISTERED. A REGISTRATION OF ANY WEAPON DEFINED UNDER SUBPARAGRAPH (VI) OF PARAGRAPH (G) OF SUBDIVISION TWENTY-TWO OF SECTION 265.00 OR A FEEDING DEVICE AS DEFINED UNDER SUBDIVISION TWENTY-THREE OF SECTION 265.00 OF THIS CHAPTER SHALL BE TRANSFERABLE, PROVIDED THAT THE SELLER NOTIFIES THE STATE POLICE WITHIN SEVENTY-TWO HOURS OF THE TRANSFER AND THE BUYER PROVIDES THE STATE POLICE WITH INFORMATION SUFFICIENT TO CONSTITUTE A REGISTRATION UNDER THIS SECTION. SUCH REGISTRATION SHALL NOT BE VALID IF SUCH REGISTRANT IS PROHIBITED OR BECOMES PROHIBITED FROM POSSESSING A FIREARM PURSUANT TO STATE OR FEDERAL LAW. THE SUPERINTENDENT SHALL DETERMINE WHETHER SUCH REGISTRANT IS PROHIBITED FROM POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW. SUCH CHECK SHALL BE LIMITED TO DETERMINING WHETHER THE FACTORS IN 18 USC 922 (G) APPLY OR WHETHER A REGISTRANT HAS BEEN CONVICTED OF A SERIOUS OFFENSE AS DEFINED IN SUBDIVISION SIXTEEN-B OF SECTION 265.00 OF THIS CHAPTER, SO AS TO PROHIBIT SUCH REGISTRANT FROM POSSESSING A FIREARM, AND WHETHER A REPORT HAS BEEN ISSUED PURSUANT TO SECTION 9.46 OF THE MENTAL HYGIENE LAW. ALL REGISTRANTS SHALL RECERTIFY TO THE DIVISION OF STATE POLICE EVERY FIVE YEARS THEREAFTER. FAILURE TO RECERTIFY SHALL RESULT IN A REVOCATION OF SUCH REGISTRATION.

(B) THE SUPERINTENDENT OF STATE POLICE SHALL CREATE AND MAINTAIN AN INTERNET WEBSITE TO EDUCATE THE PUBLIC AS TO WHICH SEMIAUTOMATIC RIFLE, SEMIAUTOMATIC SHOTGUN OR SEMIAUTOMATIC PISTOL OR WEAPON THAT ARE ILLEGAL AS A RESULT OF THE ENACTMENT OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PARAGRAPH, AS WELL AS SUCH ASSAULT WEAPONS WHICH ARE ILLEGAL PURSUANT TO ARTICLE TWO HUNDRED SIXTY-FIVE OF THIS CHAPTER. SUCH WEBSITE SHALL CONTAIN INFORMATION TO ASSIST THE PUBLIC IN RECOGNIZING THE RELEVANT FEATURES PROSCRIBED BY SUCH ARTICLE TWO HUNDRED SIXTY-FIVE, AS WELL AS WHICH MAKE AND MODEL OF WEAPONS THAT REQUIRE REGISTRATION.

(C) A PERSON WHO KNOWINGLY FAILS TO APPLY TO REGISTER SUCH WEAPON, AS REQUIRED BY THIS SECTION, WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PARAGRAPH SHALL BE GUILTY OF A CLASS A MISDEMEANOR AND SUCH PERSON WHO UNKNOWINGLY

FAILS TO VALIDLY REGISTER SUCH WEAPON WITHIN SUCH ONE YEAR PERIOD SHALL BE GIVEN A WARNING BY AN APPROPRIATE LAW ENFORCEMENT AUTHORITY ABOUT SUCH FAILURE AND GIVEN THIRTY DAYS IN WHICH TO APPLY TO REGISTER SUCH WEAPON OR TO SURRENDER IT. A FAILURE TO APPLY OR SURRENDER SUCH WEAPON WITHIN SUCH THIRTY-DAY PERIOD SHALL RESULT IN SUCH WEAPON BEING REMOVED BY AN APPROPRIATE LAW ENFORCEMENT AUTHORITY AND DECLARED A NUISANCE.

16-B. THE COST OF THE SOFTWARE, PROGRAMMING AND INTERFACE REQUIRED TO TRANSMIT ANY RECORD THAT MUST BE ELECTRONICALLY TRANSMITTED BY THE DEALER OR LICENSING OFFICER TO THE DIVISION OF STATE POLICE PURSUANT TO THIS CHAPTER SHALL BE BORNE BY THE STATE.

S 49. The penal law is amended by adding a new section 400.02 to read as follows:

S 400.02 STATEWIDE LICENSE AND RECORD DATABASE.

THERE SHALL BE A STATEWIDE LICENSE AND RECORD DATABASE WHICH SHALL BE CREATED AND MAINTAINED BY THE DIVISION OF STATE POLICE THE COST OF WHICH SHALL NOT BE BORNE BY ANY MUNICIPALITY. RECORDS ASSEMBLED OR COLLECTED FOR PURPOSES OF INCLUSION IN SUCH DATABASE SHALL NOT BE SUBJECT TO DISCLOSURE PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW. RECORDS CONTAINING GRANTED LICENSE APPLICATIONS SHALL BE PERIODICALLY CHECKED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES AGAINST CRIMINAL CONVICTION, MENTAL HEALTH, AND ALL OTHER RECORDS AS ARE NECESSARY TO DETERMINE THEIR CONTINUED ACCURACY AS WELL AS WHETHER AN INDIVIDUAL IS NO LONGER A VALID LICENSE HOLDER. THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL ALSO CHECK PENDING APPLICATIONS MADE PURSUANT TO THIS ARTICLE AGAINST SUCH RECORDS TO DETERMINE WHETHER A LICENSE MAY BE GRANTED. ALL STATE AGENCIES SHALL COOPERATE WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES, AS OTHERWISE AUTHORIZED BY LAW, IN MAKING THEIR RECORDS AVAILABLE FOR SUCH CHECKS. THE DIVISION OF CRIMINAL JUSTICE SERVICES, UPON DETERMINING THAT AN INDIVIDUAL IS INELIGIBLE TO POSSESS A LICENSE, OR IS NO LONGER A VALID LICENSE HOLDER, SHALL NOTIFY THE APPLICABLE LICENSING OFFICIAL OF SUCH DETERMINATION AND SUCH LICENSING OFFICIAL SHALL NOT ISSUE A LICENSE OR REVOKE SUCH LICENSE AND ANY WEAPONS OWNED OR POSSESSED BY SUCH INDIVIDUAL SHALL BE REMOVED CONSISTENT WITH THE PROVISIONS OF SUBDIVISION ELEVEN OF SECTION 400.00 OF THIS ARTICLE. LOCAL AND STATE LAW ENFORCEMENT SHALL HAVE ACCESS TO SUCH DATABASE, AS OTHERWISE AUTHORIZED BY LAW, IN THE PERFORMANCE OF THEIR DUTIES. RECORDS ASSEMBLED OR COLLECTED FOR PURPOSES OF INCLUSION IN THE DATABASE ESTABLISHED BY THIS SECTION SHALL BE RELEASED PURSUANT TO A COURT ORDER.

S 50. The penal law is amended by adding a new section 400.03 to read as follows:

S 400.03 SELLERS OF AMMUNITION.

1. A SELLER OF AMMUNITION AS DEFINED IN SUBDIVISION TWENTY-FOUR OF SECTION 265.00 OF THIS CHAPTER SHALL REGISTER WITH THE SUPERINTENDENT OF STATE POLICE IN A MANNER PROVIDED BY THE SUPERINTENDENT. ANY DEALER IN FIREARMS THAT IS VALIDLY LICENSED PURSUANT TO SECTION 400.00 OF THIS ARTICLE SHALL NOT BE REQUIRED TO COMPLETE SUCH REGISTRATION.

2. ANY SELLER OF AMMUNITION OR DEALER IN FIREARMS SHALL KEEP A RECORD BOOK APPROVED AS TO FORM BY THE SUPERINTENDENT OF STATE POLICE. IN THE RECORD BOOK SHALL BE ENTERED AT THE TIME OF EVERY TRANSACTION INVOLVING AMMUNITION THE DATE, NAME, AGE, OCCUPATION AND RESIDENCE OF ANY PERSON FROM WHOM AMMUNITION IS RECEIVED OR TO WHOM AMMUNITION IS DELIVERED, AND THE AMOUNT, CALIBRE, MANUFACTURER'S NAME AND SERIAL NUMBER, OR IF NONE, ANY OTHER DISTINGUISHING NUMBER OR IDENTIFICATION MARK ON SUCH AMMUNITION. THE RECORD BOOK SHALL BE MAINTAINED ON THE PREMISES MENTIONED AND DESCRIBED IN THE LICENSE AND SHALL BE OPEN AT ALL REASONABLE HOURS FOR INSPECTION BY ANY PEACE OFFICER, ACTING PURSUANT TO HIS OR HER SPECIAL

DUTIES, OR POLICE OFFICER. ANY RECORD PRODUCED PURSUANT TO THIS SECTION AND ANY TRANSMISSION THEREOF TO ANY GOVERNMENT AGENCY SHALL NOT BE CONSIDERED A PUBLIC RECORD FOR PURPOSES OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

3. NO LATER THAN THIRTY DAYS AFTER THE SUPERINTENDENT OF THE STATE POLICE CERTIFIES THAT THE STATEWIDE LICENSE AND RECORD DATABASE ESTABLISHED PURSUANT TO SECTION 400.02 OF THIS ARTICLE IS OPERATIONAL FOR THE PURPOSES OF THIS SECTION, A DEALER IN FIREARMS LICENSED PURSUANT TO SECTION 400.00 OF THIS ARTICLE, A SELLER OF AMMUNITION AS DEFINED IN SUBDIVISION TWENTY-FOUR OF SECTION 265.00 OF THIS CHAPTER SHALL NOT TRANSFER ANY AMMUNITION TO ANY OTHER PERSON WHO IS NOT A DEALER IN FIREARMS AS DEFINED IN SUBDIVISION NINE OF SUCH SECTION 265.00 OR A SELLER OF AMMUNITION AS DEFINED IN SUBDIVISION TWENTY-FOUR OF SECTION 265.00 OF THIS CHAPTER, UNLESS:

(A) BEFORE THE COMPLETION OF THE TRANSFER, THE LICENSEE OR SELLER CONTACTS THE STATEWIDE LICENSE AND RECORD DATABASE AND PROVIDES THE DATABASE WITH INFORMATION SUFFICIENT TO IDENTIFY SUCH DEALER OR SELLER, TRANSFEREE BASED ON INFORMATION ON THE TRANSFEREE'S IDENTIFICATION DOCUMENT AS DEFINED IN PARAGRAPH (C) OF THIS SUBDIVISION, AS WELL AS THE AMOUNT, CALIBRE, MANUFACTURER'S NAME AND SERIAL NUMBER, IF ANY, OF SUCH AMMUNITION;

(B) THE SYSTEM PROVIDES THE LICENSEE OR SELLER WITH A UNIQUE IDENTIFICATION NUMBER; AND

(C) THE TRANSFEROR HAS VERIFIED THE IDENTITY OF THE TRANSFEREE BY EXAMINING A VALID STATE IDENTIFICATION DOCUMENT OF THE TRANSFEREE ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES OR IF THE TRANSFEREE IS NOT A RESIDENT OF THE STATE OF NEW YORK, A VALID IDENTIFICATION DOCUMENT ISSUED BY THE TRANSFEREE'S STATE OR COUNTRY OF RESIDENCE CONTAINING A PHOTOGRAPH OF THE TRANSFEREE.

4. IF THE DATABASE DETERMINES THAT THE PURCHASER OF AMMUNITION IS ELIGIBLE TO POSSESS AMMUNITION PURSUANT TO STATE AND FEDERAL LAWS, THE SYSTEM SHALL:

(A) ASSIGN A UNIQUE IDENTIFICATION NUMBER TO THE TRANSFER; AND

(B) PROVIDE THE LICENSEE OR SELLER WITH THE NUMBER.

5. IF THE STATEWIDE LICENSE AND RECORD DATABASE NOTIFIES THE LICENSEE OR SELLER THAT THE INFORMATION AVAILABLE TO THE DATABASE DOES NOT DEMONSTRATE THAT THE RECEIPT OF AMMUNITION BY SUCH OTHER PERSON WOULD VIOLATE 18 U.S.C. 922(G) OR STATE LAW, AND THE LICENSEE TRANSFERS AMMUNITION TO SUCH OTHER PERSON, THE LICENSEE SHALL INDICATE TO THE DATABASE THAT SUCH TRANSACTION HAS BEEN COMPLETED AT WHICH POINT A RECORD OF SUCH TRANSACTION SHALL BE CREATED WHICH SHALL BE ACCESSIBLE BY THE DIVISION OF STATE POLICE AND MAINTAINED FOR NO LONGER THAN ONE YEAR FROM POINT OF PURCHASE, WHICH SHALL NOT BE INCORPORATED INTO THE DATABASE ESTABLISHED PURSUANT TO SECTION 400.02 OF THIS ARTICLE OR THE REGISTRY ESTABLISHED PURSUANT TO SUBDIVISION SIXTEEN-A OF SECTION 400.00 OF THIS ARTICLE. THE DIVISION OF STATE POLICE MAY SHARE SUCH INFORMATION WITH A LOCAL LAW ENFORCEMENT AGENCY. EVIDENCE OF THE PURCHASE OF AMMUNITION IS NOT SUFFICIENT TO ESTABLISH PROBABLE CAUSE TO BELIEVE THAT THE PURCHASER HAS COMMITTED A CRIME ABSENT OTHER INFORMATION TENDING TO PROVE THE COMMISSION OF A CRIME. RECORDS ASSEMBLED OR ACCESSED PURSUANT TO THIS SECTION SHALL NOT BE SUBJECT TO DISCLOSURE PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW. THIS REQUIREMENT OF THIS SECTION SHALL NOT APPLY (I) IF A BACKGROUND CHECK CANNOT BE COMPLETED BECAUSE THE SYSTEM IS NOT OPERATIONAL AS DETERMINED BY THE SUPERINTENDENT OF STATE POLICE, OR WHERE IT CANNOT BE ACCESSED BY THE PRACTITIONER DUE TO A TEMPORARY TECHNOLOGICAL OR ELECTRICAL FAILURE, AS SET FORTH IN REGULATION, OR (II) A DEALER OR

SELLER HAS BEEN GRANTED A WAIVER FROM CONDUCTING SUCH BACKGROUND CHECK IF THE SUPERINTENDENT OF STATE POLICE DETERMINES THAT SUCH DEALER IS INCAPABLE OF SUCH CHECK DUE TO TECHNOLOGICAL LIMITATIONS THAT ARE NOT REASONABLY WITHIN THE CONTROL OF THE DEALER, OR OTHER EXCEPTIONAL CIRCUMSTANCES DEMONSTRATED BY THE DEALER, PURSUANT TO A PROCESS ESTABLISHED IN REGULATION, AND AT THE DISCRETION OF SUCH SUPERINTENDENT.

6. IF THE SUPERINTENDENT OF STATE POLICE CERTIFIES THAT BACKGROUND CHECKS OF AMMUNITION PURCHASERS MAY BE CONDUCTED THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM, USE OF THAT SYSTEM BY A DEALER OR SELLER SHALL BE SUFFICIENT TO SATISFY SUBDIVISIONS FOUR AND FIVE OF THIS SECTION AND SUCH CHECKS SHALL BE CONDUCTED THROUGH SUCH SYSTEM, PROVIDED THAT A RECORD OF SUCH TRANSACTION SHALL BE FORWARDED TO THE STATE POLICE IN A FORM DETERMINED BY THE SUPERINTENDENT.

7. NO COMMERCIAL TRANSFER OF AMMUNITION SHALL TAKE PLACE UNLESS A LICENSED DEALER IN FIREARMS OR REGISTERED SELLER OF AMMUNITION ACTS AS AN INTERMEDIARY BETWEEN THE TRANSFEROR AND THE ULTIMATE TRANSFEREE OF THE AMMUNITION FOR THE PURPOSES OF CONTACTING THE STATEWIDE LICENSE AND RECORD DATABASE PURSUANT TO THIS SECTION. SUCH TRANSFER BETWEEN THE DEALER OR SELLER, AND TRANSFEREE MUST OCCUR IN PERSON.

8. A SELLER OF AMMUNITION WHO FAILS TO REGISTER PURSUANT TO THIS SECTION AND SELLS AMMUNITION, FOR A FIRST OFFENSE, SHALL BE GUILTY OF A VIOLATION AND SUBJECT TO THE FINE OF ONE THOUSAND DOLLARS AND FOR A SECOND OFFENSE, SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

A SELLER OF AMMUNITION THAT FAILS TO KEEP ANY RECORD REQUIRED PURSUANT TO THIS SECTION, FOR A FIRST OFFENSE SHALL BE GUILTY OF A VIOLATION AND SUBJECT TO A FINE OF FIVE HUNDRED DOLLARS, AND FOR A SECOND OFFENSE SHALL BE GUILTY OF A CLASS B MISDEMEANOR, AND THE REGISTRATION OF SUCH SELLER SHALL BE REVOKED.

S 51. Section 400.10 of the penal law, as added by chapter 531 of the laws of 1984, and subdivision 1 as amended and subdivision 3 as added by chapter 189 of the laws of 2000, is amended to read as follows:

S 400.10 Report of theft or loss of a firearm, rifle or shotgun.

1. (a) Any owner or other person lawfully in possession of: (I) a firearm, rifle or, shotgun who suffers the loss or theft of said weapon; (II) AMMUNITION AS WELL AS A FIREARM, RIFLE OR SHOTGUN WHO SUFFERS THE LOSS OR THEFT OF SUCH AMMUNITION AS WELL AS A FIREARM, RIFLE OR SHOTGUN; OR (III) AMMUNITION AND IS A DEALER IN FIREARMS OR SELLER OF AMMUNITION WHO SUFFERS THE LOSS OR THEFT OF SUCH AMMUNITION shall within twenty-four hours of the discovery of the loss or theft report the facts and circumstances of the loss or theft to a police department or sheriff's office.

(b) Whenever a person reports the theft or loss of a firearm, rifle [or], shotgun OR AMMUNITION to any police department or sheriff's office, the officer or department receiving such report shall forward notice of such theft or loss to the division of state police via the New York Statewide Police Information Network. The notice shall contain information in compliance with the New York Statewide Police Information Network Operating Manual, including the caliber, make, model, manufacturer's name and serial number, if any, and any other distinguishing number or identification mark on the weapon.

2. The division of state police shall receive, collect and file the information referred to in subdivision one of this section. The division shall cooperate, and undertake to furnish or make available to law enforcement agencies this information, for the purpose of coordinating law enforcement efforts to locate such weapons.

3. Notwithstanding any other provision of law, a violation of paragraph (a) of subdivision one of this section shall be [punishable only by a fine not to exceed one hundred dollars] A CLASS A MISDEMEANOR.

S 52. The penal law is amended by adding a new section 460.22 to read as follows:

S 460.22 AGGRAVATED ENTERPRISE CORRUPTION.

A PERSON IS GUILTY OF AGGRAVATED ENTERPRISE CORRUPTION WHEN HE OR SHE COMMITS THE CRIME OF ENTERPRISE CORRUPTION AND TWO OR MORE OF THE ACTS THAT CONSTITUTE HIS OR HER PATTERN OF CRIMINAL ACTIVITY ARE CLASS B FELONIES OR HIGHER, AND AT LEAST TWO ACTS ARE ARMED FELONIES AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION FORTY-ONE OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW OR ONE ACT IS SUCH AN ARMED FELONY AND ONE ACT IS A VIOLATION OF SUBDIVISION TWO OF SECTION 265.17 OF THIS CHAPTER OR ONE ACT IS A CLASS B VIOLENT FELONY AND TWO ARE VIOLATIONS OF SUBDIVISION TWO OF SECTION 265.17 OF THIS CHAPTER.

AGGRAVATED ENTERPRISE CORRUPTION IS A CLASS A-I FELONY.

S 53. The surrogate's court procedure act is amended by adding a new section 2509 to read as follows:

S 2509. FIREARMS INVENTORY

WHENEVER, BY REGULATION, RULE OR STATUTE, A FIDUCIARY OR ATTORNEY OF RECORD MUST FILE A LIST OF ASSETS CONSTITUTING A DECEDENT'S ESTATE, SUCH LIST MUST INCLUDE A PARTICULARIZED DESCRIPTION OF EVERY FIREARM, SHOTGUN AND RIFLE, AS SUCH TERMS ARE DEFINED IN SECTION 265.00 OF THE PENAL LAW, THAT ARE PART OF SUCH ESTATE. SUCH LIST MUST BE FILED WITH THE SURROGATE'S COURT IN THE COUNTY IN WHICH THE ESTATE PROCEEDING, IF ANY, IS PENDING AND A COPY MUST BE FILED WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES.

S 54. Section 18 of chapter 408 of the laws of 1999, constituting Kendra's Law, as amended by chapter 139 of the laws of 2010, is amended to read as follows:

S 18. This act shall take effect immediately, provided that section fifteen of this act shall take effect April 1, 2000, provided, further, that subdivision (e) of section 9.60 of the mental hygiene law as added by section six of this act shall be effective 90 days after this act shall become law; and that this act shall expire and be deemed repealed June 30, [2015] 2017.

S 55. The education law is amended by adding a new section 2801-b to read as follows:

S 2801-B. NEW YORK STATE SCHOOL SAFETY IMPROVEMENT TEAMS. THE GOVERNOR SHALL ESTABLISH NEW YORK STATE SCHOOL SAFETY IMPROVEMENT TEAMS, WHICH MAY BE COMPOSED OF REPRESENTATIVES FROM THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE DIVISION OF STATE POLICE, THE DIVISION OF CRIMINAL JUSTICE SERVICES, AND THE DEPARTMENT. SUCH NEW YORK STATE SCHOOL SAFETY IMPROVEMENT TEAMS SHALL REVIEW AND ASSESS SCHOOL SAFETY PLANS SUBMITTED, ON A VOLUNTARY BASIS, BY SCHOOL DISTRICTS HAVING A POPULATION OF LESS THAN ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS, BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, AND COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARDS, AND MAY MAKE RECOMMENDATIONS TO IMPROVE SUCH SCHOOL SAFETY PLANS.

S 56. Subdivision 6-c of section 3602 of the education law, as amended by section 1 of part A-2 of chapter 62 of the laws of 2003, is amended to read as follows:

6-c. A. Building aid for metal detectors, and safety devices for electrically operated partitions, room dividers and doors. In addition to the apportionments payable to a school district pursuant to subdivision six of this section, the commissioner is hereby authorized to apportion

to any school district additional building aid pursuant to this subdivision for its approved expenditures in the base year for the purchase of stationary metal detectors, security cameras, safety devices for electrically operated partitions and room dividers required pursuant to section four hundred nine-f of this chapter, or other security devices approved by the commissioner that increase the safety of students and school personnel, provided, however, that funds apportioned to school districts pursuant to this section shall not supplant funds for existing district expenditures or for existing contractual obligations of the district for stationary metal detectors, security cameras, partition and room divider safety devices, or security devices. Portable or hand held metal detectors shall not be eligible for aid pursuant to this subdivision. Such additional aid shall equal the product of the building aid ratio computed for use in the current year pursuant to paragraph c of subdivision six of this section and the actual approved expenditures incurred in the base year pursuant to this subdivision, provided that the limitations on cost allowances prescribed by paragraph a of subdivision six of this section shall not apply. The commissioner shall annually prescribe a special cost allowance for metal detectors, and security cameras, and the approved expenditures shall not exceed such cost allowance. The commissioner shall annually prescribe a special cost allowance for partition and room divider safety devices, and the approved expenditures shall not exceed such cost allowance.

B. FOR PROJECTS APPROVED BY THE COMMISSIONER AUTHORIZED TO RECEIVE ADDITIONAL BUILDING AID PURSUANT TO THIS SUBDIVISION FOR THE PURCHASE OF STATIONARY METAL DETECTORS, SECURITY CAMERAS OR OTHER SECURITY DEVICES APPROVED BY THE COMMISSIONER THAT INCREASE THE SAFETY OF STUDENTS AND SCHOOL PERSONNEL, PROVIDED THAT FOR PURPOSES OF THIS PARAGRAPH SUCH OTHER SECURITY DEVICES SHALL BE LIMITED TO ELECTRONIC SECURITY SYSTEMS AND HARDENED DOORS, AND PROVIDED THAT FOR PROJECTS APPROVED BY THE COMMISSIONER ON OR AFTER THE FIRST DAY OF JULY TWO THOUSAND THIRTEEN AND BEFORE THE FIRST DAY OF JULY TWO THOUSAND SIXTEEN SUCH ADDITIONAL AID SHALL EQUAL THE PRODUCT OF (I) THE BUILDING AID RATIO COMPUTED FOR USE IN THE CURRENT YEAR PURSUANT TO PARAGRAPH C OF SUBDIVISION SIX OF THIS SECTION PLUS TEN PERCENTAGE POINTS, EXCEPT THAT IN NO CASE SHALL THIS AMOUNT EXCEED ONE HUNDRED PERCENT, AND (II) THE ACTUAL APPROVED EXPENDITURES INCURRED IN THE BASE YEAR PURSUANT TO THIS SUBDIVISION, PROVIDED THAT THE LIMITATIONS ON COST ALLOWANCES PRESCRIBED BY PARAGRAPH A OF SUBDIVISION SIX OF THIS SECTION SHALL NOT APPLY, AND PROVIDED FURTHER THAT ANY PROJECTS AIDED UNDER THIS PARAGRAPH MUST BE INCLUDED IN A DISTRICT'S SCHOOL SAFETY PLAN. THE COMMISSIONER SHALL ANNUALLY PRESCRIBE A SPECIAL COST ALLOWANCE FOR METAL DETECTORS, AND SECURITY CAMERAS, AND THE APPROVED EXPENDITURES SHALL NOT EXCEED SUCH COST ALLOWANCE.

S 57. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

S 58. This act shall take effect immediately; provided, however, that:

a. Sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-six-a, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four,

thirty-five, thirty-six, thirty-nine, forty, forty-one, forty-one-a, forty-one-b, forty-two, forty-three, forty-five, forty-six, forty-six-a, forty-seven, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, and fifty-six of this act shall take effect on the sixtieth day after it shall have become a law;

b. The amendments to subdivision 23 of section 265.00 of the penal law made by section thirty-eight of this act shall take effect on the ninetieth day after this act shall have become a law, except that the amendments made to paragraph (a) of subdivision 23 shall take effect immediately;

c. The amendments to subdivision 1, paragraph (a) of subdivision 3, and subdivisions 4, 9, 10, 11, 12, 15, and 16-b of section 400.00 of the penal law made by section forty-eight of this act shall take effect one year after this act shall have become a law;

d. The amendments to subdivision 16-a of section 400.00 of the penal law made by section forty-eight of this act shall take effect on the ninetieth day after this act shall have become a law;

e. The amendments to sections 400.02 and 400.03 of the penal law made by sections forty-nine and fifty of this act shall take effect one year after it shall have become a law; and

f. The amendments to subdivision (b) of section 9.47 and sections 9.48 and 9.60 of the mental hygiene law made by sections twenty-one, twenty-two and twenty-three of this act shall not affect the expiration and repeal of such paragraph and sections and shall be deemed repealed therewith.