

3242

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 24, 2013

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Introduced by M. of A. KAVANAGH, PEOPLES-STOKES, JAFFEE, CAMARA, ROBIN-  
SON, BROOK-KRASNY, AUBRY, LAVINE -- Multi-Sponsored by -- M. of A.  
GANTT, GLICK, GOTTFRIED, HOOPER, LIFTON, McDONOUGH, WEISENBERG, WRIGHT  
-- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the issuance of a license  
to carry a firearm

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

1     Section 1. Subdivision 1 of section 400.00 of the penal law, as  
2 amended by chapter 189 of the laws of 2000, is amended to read as  
3 follows:  
4     1. Eligibility. No license shall be issued or renewed pursuant to this  
5 section except by the licensing officer, and then only after investi-  
6 gation and finding that all statements in a proper application for a  
7 license are true. No license shall be issued or renewed except for an  
8 applicant (a) twenty-one years of age or older, provided, however, that  
9 where such applicant has been honorably discharged from the United  
10 States army, navy, marine corps, air force or coast guard, or the  
11 national guard of the state of New York, no such age restriction shall  
12 apply; (b) of good moral character; (c) who has not been convicted  
13 anywhere of a felony or a serious offense; (d) who has [stated whether  
14 he or she has] NOT HAD A GUARDIAN APPOINTED FOR THEM PURSUANT TO ANY  
15 PROVISION OF LAW, BASED ON A DETERMINATION THAT AS A RESULT OF MARKED  
16 SUBNORMAL INTELLIGENCE, MENTAL ILLNESS, INCAPACITY, CONDITION OR  
17 DISEASE, HE OR SHE LACKS THE MENTAL CAPACITY TO CONTRACT OR MANAGE THEIR  
18 OWN AFFAIRS OR ever suffered any mental illness or been confined to any  
19 hospital or institution, public or private, for mental illness; (e) who  
20 has not had a license revoked or who is not under a suspension or inel-  
21 igibility order issued pursuant to the provisions of section 530.14 of  
22 the criminal procedure law or section eight hundred forty-two-a of the  
23 family court act; (f) [in the county of Westchester,] who has success-

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

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

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