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

7712

2013-2014 Regular Sessions

I N A S S E M B L Y

May 31, 2013

Introduced by M. of A. CROUCH -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to revocation and suspension of licenses to carry, possess, repair and dispose of firearms

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

Section 1. Paragraphs (b) and (c) of subdivision 11 of section 400.00 of the penal law, as added by chapter 1 of the laws of 2013, are amended to read as follows:

(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] OFFICER, who shall CONDUCT A HEARING ON THE ISSUE AND IF SUCH OFFICIAL DETERMINES THAT SUCH PERSON IS A DANGER TO HIMSELF OR TO OTHERS, SUCH LICENSING OFFICER 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] OFFICER 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.

S 2. This act shall take effect on the same date and in the same manner as section 48 of chapter 1 of the laws of 2013, takes effect.

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

LBD11082-01-3