

3067

2013-2014 Regular Sessions

I N   S E N A T E

January 29, 2013

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Introduced by Sen. ADAMS -- read twice and ordered printed, and when  
printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to 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-  
24 fully completed a firearms safety course and test as evidenced by a  
25 certificate of completion issued in his or her name and endorsed and

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

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

21 S. 2. Subdivision 1 of section 400.00 of the penal law, as amended by  
22 chapter 1 of the laws of 2013, is amended to read as follows:

23 1. Eligibility. No license shall be issued or renewed pursuant to this  
24 section except by the licensing officer, and then only after investi-  
25 gation and finding that all statements in a proper application for a  
26 license are true. No license shall be issued or renewed except for an  
27 applicant (a) twenty-one years of age or older, provided, however, that  
28 where such applicant has been honorably discharged from the United  
29 States army, navy, marine corps, air force or coast guard, or the  
30 national guard of the state of New York, no such age restriction shall  
31 apply; (b) of good moral character; (c) who has not been convicted  
32 anywhere of a felony or a serious offense; (d) who is not a fugitive  
33 from justice; (e) who is not an unlawful user of or addicted to any  
34 controlled substance as defined in section 21 U.S.C. 802; (f) who being  
35 an alien (i) is not illegally or unlawfully in the United States or (ii)  
36 has not been admitted to the United States under a nonimmigrant visa  
37 subject to the exception in 18 U.S.C. 922(y)(2); (g) who has not been  
38 discharged from the Armed Forces under dishonorable conditions; (h) who,  
39 having been a citizen of the United States, has not renounced his or her  
40 citizenship; (i) who has stated whether he or she has ever suffered any  
41 mental illness; (j) who has not been involuntarily committed to a facil-  
42 ity under the jurisdiction of an office of the department of mental  
43 hygiene pursuant to article nine or fifteen of the mental hygiene law,  
44 article seven hundred thirty or section 330.20 of the criminal procedure  
45 law, section four hundred two or five hundred eight of the correction  
46 law, section 322.2 or 353.4 of the family court act, or has not been  
47 civilly confined in a secure treatment facility pursuant to article ten  
48 of the mental hygiene law; (k) who has not had a license revoked or who  
49 is not under a suspension or ineligibility order issued pursuant to the  
50 provisions of section 530.14 of the criminal procedure law or section  
51 eight hundred forty-two-a of the family court act; (l) [in the county of  
52 Westchester,] who has successfully completed a firearms safety course  
53 and test as evidenced by a certificate of completion issued in his or  
54 her name and endorsed and affirmed under the penalties of perjury by a  
55 duly authorized instructor, APPROVED BY THE SUPERINTENDENT OF STATE  
56 POLICE except that: (i) persons who are honorably discharged from the

1 United States army, navy, marine corps, AIR FORCE or coast guard, or of  
2 the national guard of the state of New York, and produce evidence of  
3 official qualification in firearms during the term of service are not  
4 required to have completed those hours of a firearms safety course  
5 pertaining to the safe use, carrying, possession, maintenance and stor-  
6 age of a firearm; and (ii) persons who were licensed to possess a pistol  
7 or revolver prior to the effective date of this paragraph are not  
8 required to have completed a firearms safety course and test; (m) who  
9 has not had a guardian appointed for [him or her] THEM pursuant to any  
10 provision of state law, based on a determination that as a result of  
11 marked subnormal intelligence, mental illness, incapacity, condition or  
12 disease, he or she lacks the mental capacity to contract or manage [his  
13 or her] THEIR own affairs; and (n) concerning whom no good cause exists  
14 for 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 3. This act shall take effect on the one hundred twentieth day after  
24 it shall have become a law; provided that the amendments to subdivision  
25 1 of section 400.00 of the penal law, made by section two of this act  
26 shall take effect on the same date and in the same manner as section 48  
27 of chapter 1 of the laws of 2013, takes effect.