

3948--A

2013-2014 Regular Sessions

I N S E N A T E

February 28, 2013

Introduced by Sens. MARCHIONE, BALL, BOYLE, DeFRANCISCO, FARLEY, GALLIVAN, GRIFFO, LARKIN, LIBOUS, MAZIARZ, NOZZOLIO, O'MARA, RANZENHOFER, RITCHIE, ROBACH, SEWARD, YOUNG, ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the family court act, in relation to the suspension and revocation of a license to carry firearms; to amend the domestic relations law, in relation to orders of protection; to amend the penal law, in relation to the applicability of certain provisions of the penal law, large capacity ammunition feeding devices, and gun licenses; to amend section 58 of chapter 1 of the laws of 2013 amending the criminal procedure law and other laws relating 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, in relation to the effectiveness thereof; and to repeal article 39-DDD of the general business law relating to the private sale or disposal of firearms, rifles and shotguns, section 9.46 of the mental hygiene law relating to reports of substantial risk or threat of harm by mental health professionals, sections 37, 38, 46 and 51 of chapter 1 of the laws of 2013, amending the criminal procedure law and other laws relating 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 relating to gun control, section 265.01-b of the penal law relating to criminal possession of a firearm, section 265.36 of the penal law relating to unlawful possession of a large capacity ammunition feeding device, 265.37 of the penal law relating to unlawful possession of certain ammunition feeding devices, 265.45 of the penal law relating to the safe storage of rifles, shotguns, and firearms, 400.02 of the penal law relating to the statewide license and record database and 400.03 of the penal law relating to sellers of ammunition, and section 2509 of the surrogate's court procedure act relating to a firearms inventory

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

LBD09316-04-4

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

Section 1. Section 446-a of the family court act, as added by chapter 1 of the laws of 2013, is amended 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] AND/OR 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 2. Section 552 of the family court act, as added by chapter 1 of the laws of 2013, is amended 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] AND/OR 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 3. Section 656-a of the family court act, as added by chapter 1 of the laws of 2013, is amended 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] AND/OR 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 4. Section 780-a of the family court act, as added by chapter 1 of the laws of 2013, is amended 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] AND/OR 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 5. Paragraph h of subdivision 3 of section 240 of the domestic relations law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

h. Upon 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] AND/OR 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 sections eight hundred forty-two-a and eight hundred forty-six-a of the family court act, 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

1 issued has already compensated the injured party or where such compen-
2 sation is incorporated in a final judgment or settlement of the action.

3 S 6. Subdivision 9 of section 252 of the domestic relations law, as
4 amended by chapter 1 of the laws of 2013, is amended to read as follows:

5 9. Upon issuance of an order of protection or temporary order of
6 protection or upon a violation of such order, the court shall make a
7 determination regarding the suspension [and] AND/OR revocation of a
8 license to carry, possess, repair or dispose of a firearm or firearms,
9 ineligibility for such a license and the surrender of firearms in
10 accordance with sections eight hundred forty-two-a and eight hundred
11 forty-six-a of the family court act, as applicable. Upon issuance of an
12 order of protection pursuant to this section or upon a finding of a
13 violation thereof, the court also may direct payment of restitution in
14 an amount not to exceed ten thousand dollars in accordance with subdivi-
15 sion (e) of section eight hundred forty-one of such act; provided,
16 however, that in no case shall an order of restitution be issued where
17 the court determines that the party against whom the order would be
18 issued has already compensated the injured party or where such compen-
19 sation is incorporated in a final judgment or settlement of the action.

20 S 7. Article 39-DDD of the general business law is REPEALED.

21 S 8. Section 9.46 of the mental hygiene law is REPEALED.

22 S 9. Sections 37, 38, 46 and 51 of chapter 1 of the laws of 2013,
23 amending the criminal procedure law and other laws relating to suspen-
24 sion and revocation of firearms licenses; private sale or disposal of
25 firearms, rifles or shotguns and establishing a minimum age to possess a
26 firearm are REPEALED.

27 S 10. Sections 265.01-b, 265.36, 265.37, 265.45, 400.02 and 400.03 of
28 the penal law are REPEALED.

29 S 11. Subdivision 8 of section 265.02 of the penal law, as amended by
30 chapter 1 of the laws of 2013, is amended to read as follows:

31 (8) Such person possesses a large capacity ammunition feeding device[.
32 For purposes of this subdivision, a large capacity ammunition feeding
33 device shall not include an ammunition feeding device lawfully possessed
34 by such person before the effective date of the chapter of the laws of
35 two thousand thirteen which amended this subdivision, that has a capaci-
36 ty of, or that can be readily restored or converted to accept more than
37 seven but less than eleven rounds of ammunition, or that was manufac-
38 tured before September thirteenth, nineteen hundred ninety-four, that
39 has a capacity of, or that can be readily restored or converted to
40 accept, more than ten rounds of ammunition]; or

41 S 12. Subdivisions 5, 10, 12, 16-a and 16-b of section 400.00 of the
42 penal law, subdivisions 5, 10 and 12 as amended and subdivisions 16-a
43 and 16-b as added by chapter 1 of the laws of 2013, and paragraph (a-1)
44 of subdivision 16-a as added by chapter 98 of the laws of 2013, are
45 amended to read as follows:

46 5. Filing of approved applications. [(a)] The application for any
47 license, if granted, shall be filed by the licensing officer with the
48 clerk of the county of issuance, except that in the city of New York
49 and, in the counties of Nassau and Suffolk, the licensing officer shall
50 designate the place of filing in the appropriate division, bureau or
51 unit of the police department thereof, and in the county of Suffolk the
52 county clerk is hereby authorized to transfer all records or applica-
53 tions relating to firearms to the licensing authority of that county.
54 [Except as provided in paragraphs (b) through (f) of this subdivision,
55 the] THE name and address of any person to whom an application for any
56 license has been granted shall NOT be a public record. Upon application

1 by a licensee who has changed his place of residence such records or
2 applications shall be transferred to the appropriate officer at the
3 licensee's new place of residence. A duplicate copy of such application
4 shall be filed by the licensing officer in the executive department,
5 division of state police, Albany, within ten days after issuance of the
6 license. The superintendent of state police may designate that such
7 application shall be transmitted to the division of state police elec-
8 tronically. In the event the superintendent of the division of state
9 police determines that it lacks any of the records required to be filed
10 with the division, it may request that such records be provided to it by
11 the appropriate clerk, department or authority and such clerk, depart-
12 ment or authority shall provide the division with such records. In the
13 event such clerk, department or authority lacks such records, the divi-
14 sion may request the license holder provide information sufficient to
15 constitute such record and such license holder shall provide the divi-
16 sion with such information. Such information shall be limited to the
17 license holder's name, date of birth, gender, race, residential address,
18 social security number and firearms possessed by said license holder.
19 Nothing in this subdivision shall be construed to change the expiration
20 date or term of such licenses if otherwise provided for in law. [Records
21 assembled or collected for purposes of inclusion in the database estab-
22 lished by this section shall be released pursuant to a court order.
23 Records assembled or collected for purposes of inclusion in the database
24 created pursuant to section 400.02 of this chapter shall not be subject
25 to disclosure pursuant to article six of the public officers law.

26 (b) Each application for a license pursuant to paragraph (a) of this
27 subdivision shall include, on a separate written form prepared by the
28 division of state police within thirty days of the effective date of the
29 chapter of the laws of two thousand thirteen, which amended this
30 section, and provided to the applicant at the same time and in the same
31 manner as the application for a license, an opportunity for the appli-
32 cant to request an exception from his or her application information
33 becoming public record pursuant to paragraph (a) of this subdivision.
34 Such forms, which shall also be made available to individuals who had
35 applied for or been granted a license prior to the effective date of the
36 chapter of the laws of two thousand thirteen which amended this section,
37 shall notify applicants that, upon discovery that an applicant knowingly
38 provided false information, such applicant may be subject to penalties
39 pursuant to section 175.30 of this chapter, and further, that his or her
40 request for an exception shall be null and void, provided that written
41 notice containing such determination is provided to the applicant.
42 Further, such forms shall provide each applicant an opportunity to spec-
43 ify the grounds on which he or she believes his or her application
44 information should not be publicly disclosed. These grounds, which shall
45 be identified on the application with a box beside each for checking, as
46 applicable, by the applicant, shall be as follows:

47 (i) the applicant's life or safety may be endangered by disclosure
48 because:

49 (A) the applicant is an active or retired police officer, peace offi-
50 cer, probation officer, parole officer, or corrections officer;

51 (B) the applicant is a protected person under a currently valid order
52 of protection;

53 (C) the applicant is or was a witness in a criminal proceeding involv-
54 ing a criminal charge;

1 (D) the applicant is participating or previously participated as a
2 juror in a criminal proceeding, or is or was a member of a grand jury;
3 or

4 (E) the applicant is a spouse, domestic partner or household member of
5 a person identified in this subparagraph or subparagraph (ii) of this
6 paragraph, specifying which subparagraph or subparagraphs and clauses
7 apply.

8 (ii) the applicant has reason to believe his or her life or safety may
9 be endangered by disclosure due to reasons stated by the applicant.

10 (iii) the applicant has reason to believe he or she may be subject to
11 unwarranted harassment upon disclosure of such information.

12 (c) Each form provided for recertification pursuant to paragraph (b)
13 of subdivision ten of this section shall include an opportunity for the
14 applicant to request an exception from the information provided on such
15 form becoming public record pursuant to paragraph (a) of this subdivi-
16 sion. Such forms shall notify applicants that, upon discovery that an
17 applicant knowingly provided false information, such applicant may be
18 subject to penalties pursuant to section 175.30 of this chapter, and
19 further, that his or her request for an exception shall be null and
20 void, provided that written notice containing such determination is
21 provided to the applicant. Further, such forms shall provide each appli-
22 cant an opportunity to either decline to request the grant or continua-
23 tion of an exception, or specify the grounds on which he or she believes
24 his or her information should not be publicly disclosed. These grounds,
25 which shall be identified in the application with a box beside each for
26 checking, as applicable, by the applicant, shall be the same as provided
27 in paragraph (b) of this subdivision.

28 (d) Information submitted on the forms described in paragraph (b) of
29 this subdivision shall be excepted from disclosure and maintained by the
30 entity retaining such information separate and apart from all other
31 records.

32 (e) (i) Upon receiving a request for exception from disclosure, the
33 licensing officer shall grant such exception, unless the request is
34 determined to be null and void, pursuant to paragraph (b) or (c) of this
35 subdivision.

36 (ii) A request for an exception from disclosure may be submitted at
37 any time, including after a license or recertification has been granted.

38 (iii) If an exception is sought and granted pursuant to paragraph (b)
39 of this subdivision, the application information shall not be public
40 record, unless the request is determined to be null and void. If an
41 exception is sought and granted pursuant to paragraph (c) of this subdivi-
42 sion, the information concerning such recertification application
43 shall not be public record, unless the request is determined to be null
44 and void.

45 (f) The information of licensees or applicants for a license shall not
46 be disclosed to the public during the first one hundred twenty days
47 following the effective date of the chapter of the laws of two thousand
48 thirteen, which amended this section. After such period, the information
49 of those who had applied for or been granted a license prior to the
50 preparation of the form for requesting an exception, pursuant to para-
51 graph (b) of this subdivision, may be released only if such individuals
52 did not file a request for such an exception during the first sixty days
53 following such preparation; provided, however, that no information
54 contained in an application for licensure or recertification shall be
55 disclosed by an entity that has not completed processing any such
56 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.]

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

1 shall be in a form as approved by the superintendent of state police,
2 which shall request the license holder's name, date of birth, gender,
3 race, residential address, social security number, firearms possessed by
4 such license holder, email address at the option of the license holder
5 and an affirmation that such license holder is not prohibited from
6 possessing firearms. The form may be in an electronic form if so desig-
7 nated by the superintendent of state police. Failure to recertify shall
8 act as a revocation of such license. If the New York state police
9 discover as a result of the recertification process that a licensee
10 failed to provide a change of address, the New York state police shall
11 not require the licensing officer to revoke such license.]

12 12. Records required of gunsmiths and dealers in firearms. Any person
13 licensed as gunsmith or dealer in firearms shall keep a record book
14 approved as to form, except in the city of New York, by the superinten-
15 dent of state police. In the record book shall be entered at the time of
16 every transaction involving a firearm the date, name, age, occupation
17 and residence of any person from whom a firearm is received or to whom a
18 firearm is delivered, and the calibre, make, model, manufacturer's name
19 and serial number, or if none, any other distinguishing number or iden-
20 tification mark on such firearm. Before delivering a firearm to any
21 person, the licensee shall require him to produce either a license valid
22 under this section to carry or possess the same, or proof of lawful
23 authority as an exempt person pursuant to section 265.20. In addition,
24 before delivering a firearm to a peace officer, the licensee shall veri-
25 fy that person's status as a peace officer with the division of state
26 police. After completing the foregoing, the licensee shall remove and
27 retain the attached coupon and enter in the record book the date of such
28 license, number, if any, and name of the licensing officer, in the case
29 of the holder of a license to carry or possess, or the shield or other
30 number, if any, assignment and department, unit or agency, in the case
31 of an exempt person. The original transaction report shall be forwarded
32 to the division of state police within ten days of delivering a firearm
33 to any person, and a duplicate copy shall be kept by the licensee. The
34 superintendent of state police may designate that such record shall be
35 completed and transmitted in electronic form. A dealer may be granted a
36 waiver from transmitting such records in electronic form if the super-
37 intendent determines that such dealer is incapable of such transmission
38 due to technological limitations that are not reasonably within the
39 control of the dealer, or other exceptional circumstances demonstrated
40 by the dealer, pursuant to a process established in regulation, and at
41 the discretion of the superintendent. [Records assembled or collected
42 for purposes of inclusion in the database created pursuant to section
43 400.02 of this article shall not be subject to disclosure pursuant to
44 article six of the public officers law.] The record book shall be main-
45 tained on the premises mentioned and described in the license and shall
46 be open at all reasonable hours for inspection by any peace officer,
47 acting pursuant to his special duties, or police officer. In the event
48 of cancellation or revocation of the license for gunsmith or dealer in
49 firearms, or discontinuance of business by a licensee, such record book
50 shall be immediately surrendered to the licensing officer in the city of
51 New York, and in the counties of Nassau and Suffolk, and elsewhere in
52 the state to the executive department, division of state police.

53 16-a. [Registration. (a) An owner of a weapon defined in paragraph (e)
54 or (f) of subdivision twenty-two of section 265.00 of this chapter,
55 possessed before the date of the effective date of the chapter of the
56 laws of two thousand thirteen which added this paragraph, must make an

1 application to register such weapon with the superintendent of state
2 police, in the manner provided by the superintendent, or by amending a
3 license issued pursuant to this section within one year of the effective
4 date of this subdivision except any weapon defined under subparagraph
5 (vi) of paragraph (g) of subdivision twenty-two of section 265.00 of
6 this chapter transferred into the state may be registered at any time,
7 provided such weapons are registered within thirty days of their trans-
8 fer into the state. Registration information shall include the regis-
9 trant's name, date of birth, gender, race, residential address, social
10 security number and a description of each weapon being registered. A
11 registration of any weapon defined under subparagraph (vi) of paragraph
12 (g) of subdivision twenty-two of section 265.00 or a feeding device as
13 defined under subdivision twenty-three of section 265.00 of this chapter
14 shall be transferable, provided that the seller notifies the state
15 police within seventy-two hours of the transfer and the buyer provides
16 the state police with information sufficient to constitute a registra-
17 tion under this section. Such registration shall not be valid if such
18 registrant is prohibited or becomes prohibited from possessing a firearm
19 pursuant to state or federal law. The superintendent shall determine
20 whether such registrant is prohibited from possessing a firearm under
21 state or federal law. Such check shall be limited to determining whether
22 the factors in 18 USC 922 (g) apply or whether a registrant has been
23 convicted of a serious offense as defined in subdivision sixteen-b of
24 section 265.00 of this chapter, so as to prohibit such registrant from
25 possessing a firearm, and whether a report has been issued pursuant to
26 section 9.46 of the mental hygiene law. All registrants shall recertify
27 to the division of state police every five years thereafter. Failure to
28 recertify shall result in a revocation of such registration.

29 (a-1) Notwithstanding any inconsistent provisions of paragraph (a) of
30 this subdivision, an owner of an assault weapon as defined in subdivi-
31 sion twenty-two of section 265.00 of this chapter, who is a qualified
32 retired New York or federal law enforcement officer as defined in subdivi-
33 sion twenty-five of section 265.00 of this chapter, where such weapon
34 was issued to or purchased by such officer prior to retirement and in
35 the course of his or her official duties, and for which such officer was
36 qualified by the agency that employed such officer within twelve months
37 prior to his or her retirement, must register such weapon within sixty
38 days of retirement.

39 (b) The superintendent of state police shall create and maintain an
40 internet website to educate the public as to which semiautomatic rifle,
41 semiautomatic shotgun or semiautomatic pistol or weapon that are illegal
42 as a result of the enactment of the chapter of the laws of two thousand
43 thirteen which added this paragraph, as well as such assault weapons
44 which are illegal pursuant to article two hundred sixty-five of this
45 chapter. Such website shall contain information to assist the public in
46 recognizing the relevant features proscribed by such article two hundred
47 sixty-five, as well as which make and model of weapons that require
48 registration.

49 (c) A person who knowingly fails to apply to register such weapon, as
50 required by this section, within one year of the effective date of the
51 chapter of the laws of two thousand thirteen which added this paragraph
52 shall be guilty of a class A misdemeanor and such person who unknowingly
53 fails to validly register such weapon within such one year period shall
54 be given a warning by an appropriate law enforcement authority about
55 such failure and given thirty days in which to apply to register such
56 weapon or to surrender it. A failure to apply or surrender such weapon

1 within such thirty-day period shall result in such weapon being removed
2 by an appropriate law enforcement authority and declared a nuisance.

3 16-b.] The cost of the software, programming and interface required to
4 transmit any record that must be electronically transmitted by the deal-
5 er or licensing officer to the division of state police pursuant to this
6 chapter shall be borne by the state.

7 S 13. Section 2509 of the surrogate's court procedure act is REPEALED.

8 S 14. Section 58 of chapter 1 of the laws of 2013 amending the crimi-
9 nal procedure law and other laws relating to suspension and revocation
10 of firearms licenses; private sale or disposal of firearms, rifles or
11 shotguns and establishing a minimum age to possess a firearm, subdivi-
12 sion b as amended by section 4 of part FF of chapter 57 of the laws of
13 2013, is amended to read as follows:

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

15 a. Sections one, two, three, four, five, [six, seven, eight, nine,]
16 ten, [eleven, twelve,] thirteen, fourteen, fifteen, sixteen, seventeen,
17 eighteen, nineteen, [twenty,] twenty-one, twenty-two, twenty-three,
18 twenty-four, twenty-five, twenty-six, twenty-six-a, twenty-seven, twen-
19 ty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three,
20 thirty-four, thirty-five, thirty-six, thirty-nine, forty, [forty-one,
21 forty-one-a, forty-one-b,] forty-two, forty-three, forty-five, [forty-
22 six, forty-six-a, forty-seven, fifty-one,] fifty-two, [fifty-three,]
23 fifty-four, fifty-five, and fifty-six of this act shall take effect on
24 the sixtieth day after it shall have become a law;

25 b. [The amendments to subdivision 23 of section 265.00 of the penal
26 law made by section thirty-eight of this act shall take effect on the
27 ninetieth day after this act shall have become a law, except that the
28 amendments designating paragraph (a) of subdivision 23 shall take effect
29 immediately; and provided further that the effective date of the amend-
30 ments adding paragraphs (b) and (c) to such subdivision shall be
31 suspended and not effective;

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

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

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

42 [f.] C. The amendments to subdivision (b) of section 9.47 and sections
43 9.48 and 9.60 of the mental hygiene law made by sections twenty-one,
44 twenty-two and twenty-three of this act shall not affect the expiration
45 and repeal of such paragraph and sections and shall be deemed repealed
46 therewith.

47 S 15. Severability. If any clause, sentence, paragraph, section or
48 part of this act shall be adjudged by any court of competent jurisdic-
49 tion to be invalid and after exhaustion of all further judicial review,
50 the judgment shall not affect, impair or invalidate the remainder there-
51 of, but shall be confined in its operation to the clause, sentence,
52 paragraph, section or part of this act directly involved in the contro-
53 versy in which the judgment shall have been rendered.

54 S 16. This act shall take effect immediately; provided that: the
55 amendments to subdivisions 10, 12, 16-a and 16-b of section 400.00 of
56 the penal law made by section twelve of this act shall take effect on

1 the same date and in the same manner as section 48 of chapter 1 of the
2 laws of 2013 takes effect.