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

8159

2013-2014 Regular Sessions

I N A S S E M B L Y

August 30, 2013

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

AN ACT to amend the penal law, in relation to regulation of firearms and possession of large capacity ammunition feeding devices; to amend the tax law, in relation to grants for school resource officers; to amend the education law and the social services law, in relation to the practice of school psychology; to amend the mental hygiene law, the executive law and the penal law, in relation to licenses to carry, possess, repair and dispose of firearms and reports of substantial risk or threat of harm by mental health professionals; to repeal certain provisions of the penal law relating to firearms; and to repeal section 2509 of the surrogate's court procedure act relating to a firearms inventory

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

Section 1. Subdivision 22 of section 265.00 of the penal law, as amended by chapter 1 of the laws of 2013, 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 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

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

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(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.]

(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.

S 2. Subdivision 23 of section 265.00 of the penal law, as amended by chapter 1 of the laws of 2013, 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 3. Sections 265.01-b, 265.36, 265.37, 400.02 and 400.03 of the penal law are REPEALED.

S 4. Subdivision 8 of section 265.02 of the penal law, as amended by chapter 1 of the laws of 2013, is amended 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

S 5. Subdivision 6 of section 186-f of the tax law is amended by adding a new paragraph (g) to read as follows:

(G) UP TO THE SUM OF THIRTY MILLION DOLLARS ANNUALLY MAY BE USED FOR THE PROVISION OF GRANTS OR REIMBURSEMENTS TO SCHOOL DISTRICTS DESIGNATED AS HIGH NEED AND AVERAGE NEED FOR THE COSTS RELATED TO THE HIRING OF SCHOOL RESOURCE OFFICERS, TO BE DISTRIBUTED PURSUANT TO STANDARDS AND GUIDELINES ISSUED BY THE STATE. FOR THE PURPOSES OF THIS SUBDIVISION, HIGH NEED AND AVERAGE NEED SCHOOL DISTRICTS ARE THOSE DISTRICTS DESIGNATED PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF SECTION THIRTY-SIX HUNDRED TWO OF THE EDUCATION LAW.

S 6. Section 2509 of the surrogate's court procedure act is REPEALED.

S 7. The education law is amended by adding a new article 167 to read as follows:

ARTICLE 167
SCHOOL PSYCHOLOGY

SECTION 8720. INTRODUCTION.
8721. PRACTICE OF SCHOOL PSYCHOLOGY AND USE OF THE TITLE "SCHOOL PSYCHOLOGIST".
8722. DEFINITION OF THE PRACTICE OF SCHOOL PSYCHOLOGY.
8723. REQUIREMENTS FOR A PROFESSIONAL LICENSE.
8724. BOUNDARIES OF PROFESSIONAL COMPETENCY.
8725. LIMITED PERMITS.
8726. EXEMPTIONS.
8727. SPECIAL PROVISIONS.

S 8720. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION AND PRACTICE OF SCHOOL PSYCHOLOGY AND TO THE USE OF THE TITLE "LICENSED SCHOOL PSYCHOLOGIST". THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE ONE HUNDRED THIRTY OF THIS TITLE APPLY TO THIS ARTICLE.

S 8721. PRACTICE OF SCHOOL PSYCHOLOGY AND USE OF THE TITLE "SCHOOL PSYCHOLOGIST". ONLY A PERSON LICENSED OR EXEMPT UNDER THIS ARTICLE SHALL PRACTICE SCHOOL PSYCHOLOGY OR USE THE TITLE "LICENSED SCHOOL PSYCHOLOGIST".

S 8722. DEFINITION OF THE PRACTICE OF SCHOOL PSYCHOLOGY. THE PRACTICE OF SCHOOL PSYCHOLOGY IS:

1. THE ASSESSMENT, INCLUDING PSYCHO-EDUCATIONAL, DEVELOPMENTAL AND VOCATIONAL ASSESSMENT, EVALUATION AND INTERPRETATION OF INTELLIGENCE, COGNITIVE PROCESSES, APTITUDES, INTERESTS, ACADEMIC ACHIEVEMENT, ADJUSTMENT, PERSONALITY FACTORS AND MOTIVATIONS, OR ANY OTHER ATTRIBUTES, IN INDIVIDUALS OR GROUPS, THAT RELATE TO LEARNING, EDUCATION OR ADJUSTMENT NEEDS;

2. THE DEVELOPMENT AND IMPLEMENTATION OF EDUCATIONALLY-RELATED PSYCHOTHERAPEUTIC AND BEHAVIORAL APPROACHES TO INCREASE SCHOOL ADJUSTMENT AND ACADEMIC SUCCESS, COUNSELING AND INTERPRETIVE SERVICES TO REDUCE EDUCATION-RELATED PROBLEMS INCLUDING, BUT NOT LIMITED TO, VERBAL INTERACTION, INTERVIEWING, BEHAVIOR TECHNIQUES, DEVELOPMENTAL AND VOCATIONAL INTERVENTION, ENVIRONMENTAL MANAGEMENT AND GROUP PROCESSES;

3. CONSULTATION WITH REPRESENTATIVES OF SCHOOLS, AGENCIES AND ORGANIZATIONS, FAMILIES OR INDIVIDUALS, INCLUDING PSYCHO-EDUCATIONAL, DEVELOPMENTAL AND VOCATIONAL ASSISTANCE OR DIRECT EDUCATIONAL SERVICES, RELATED TO LEARNING PROBLEMS AND ADJUSTMENTS TO THOSE PROBLEMS; AND

4. THE DEVELOPMENT OF PROGRAMMING, INCLUDING DESIGNING, IMPLEMENTING OR EVALUATING EDUCATIONALLY AND PSYCHOLOGICALLY SOUND LEARNING ENVIRONMENTS AND THE FACILITATION OF PSYCHO-EDUCATIONAL DEVELOPMENT OF INDIVIDUALS, FAMILIES OR GROUPS.

S 8723. REQUIREMENTS FOR A PROFESSIONAL LICENSE. TO QUALIFY FOR A LICENSE AS A LICENSED SCHOOL PSYCHOLOGIST, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

2. EDUCATION: COMPLETE A MINIMUM OF SIXTY GRADUATE CREDITS AND FULFILL THE REQUIREMENTS OF A MASTER'S OR DOCTORAL DEGREE IN SCHOOL PSYCHOLOGY FROM A PROGRAM REGISTERED BY THE DEPARTMENT, OR DETERMINED BY THE DEPARTMENT TO BE THE SUBSTANTIAL EQUIVALENT IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS. THE GRADUATE COURSEWORK SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING AREAS:

(I) BIOLOGICAL, SOCIAL AND CULTURAL BASES OF DEVELOPMENT;

(II) PSYCHOPATHOLOGY AND EXCEPTIONALITY IN LEARNING AND BEHAVIOR;

(III) ASSESSMENT AND APPRAISAL OF LEARNERS IN HOME AND SCHOOL CONTEXTS;

(IV) CONSULTATION AND COLLABORATION IN FAMILY, SCHOOL AND COMMUNITY SYSTEMS;

(V) EFFECTIVE INSTRUCTION AND DEVELOPMENT OF COGNITIVE AND ACADEMIC SKILLS;

(VI) PREVENTION AND TREATMENT OF BEHAVIORAL AND EMOTIONAL DISORDERS AND DEFICITS;

(VII) SCHOOL ORGANIZATION, CURRICULUM, POLICY AND LAW;

(VIII) RESEARCH AND PROGRAM EVALUATION;

(IX) PROFESSION AND ETHICAL PRACTICE OF PSYCHOLOGY IN SCHOOLS; AND

(X) COMPLETION OF A TWELVE HUNDRED HOUR SUPERVISED INTERNSHIP IN SCHOOL PSYCHOLOGY, WITH NO LESS THAN SIX HUNDRED HOURS COMPLETED WITHIN A SCHOOL SETTING.

3. EXPERIENCE: COMPLETE A MINIMUM OF TWO THOUSAND FOUR HUNDRED HOURS OF POST-MASTER'S SUPERVISED EXPERIENCE RELEVANT TO THE PRACTICE OF SCHOOL PSYCHOLOGY SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS, SUCH SUPERVISED EXPERIENCE WHICH MAY INCLUDE ONE THOUSAND TWO HUNDRED HOURS COMPLETED AS PART OF A PROGRAM IN SCHOOL PSYCHOLOGY;

4. EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

5. AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

6. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT; AND

7. FEES: PAY A FEE OF TWO HUNDRED FORTY DOLLARS TO THE DEPARTMENT FOR ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION AND FOR AN INITIAL LICENSE; A FEE OF EIGHTY-FIVE DOLLARS FOR EACH REEXAMINATION; A FEE OF ONE HUNDRED SEVENTY-FIVE DOLLARS FOR AN INITIAL LICENSE FOR PERSONS NOT REQUIRING ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION AND A FEE OF ONE HUNDRED SEVENTY DOLLARS FOR EACH TRIENNIAL REGISTRATION PERIOD.

S 8724. BOUNDARIES OF PROFESSIONAL COMPETENCY. 1. IT SHALL BE DEEMED PRACTICING OUTSIDE THE BOUNDARIES OF HIS OR HER PROFESSIONAL COMPETENCE FOR A PERSON LICENSED PURSUANT TO THIS ARTICLE, IN THE CASE OF TREATMENT OF ANY SERIOUS MENTAL ILLNESS, TO PROVIDE ANY MENTAL HEALTH SERVICES FOR SUCH ILLNESS ON A CONTINUOUS AND SUSTAINED BASIS WITHOUT A MEDICAL

EVALUATION OF THE ILLNESS BY, AND CONSULTATION WITH, A PHYSICIAN REGARDING SUCH ILLNESS. SUCH MEDICAL EVALUATION AND CONSULTATION SHALL BE TO DETERMINE AND ADVISE WHETHER ANY MEDICAL CARE IS INDICATED FOR SUCH ILLNESS. FOR PURPOSES OF THIS SECTION, "SERIOUS MENTAL ILLNESS" MEANS SCHIZOPHRENIA, SCHIZOAFFECTIVE DISORDER, BIPOLAR DISORDER, MAJOR DEPRESSIVE DISORDER, PANIC DISORDER AND OBSESSIVE-COMPULSIVE DISORDER. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT, LIMIT OR IMPAIR CONSULTATION WITH ANY OTHER HEALTH OR MENTAL HEALTH PROFESSIONAL. NOTHING HEREIN CONTAINED SHALL LIMIT, MODIFY, RESTRICT OR OTHERWISE AFFECT THE DEFINITION OF THE PRACTICE OF SCHOOL PSYCHOLOGY AS PROVIDED IN SECTION EIGHTY-SEVEN HUNDRED TWENTY-TWO OF THIS ARTICLE.

2. ANY INDIVIDUAL WHOSE LICENSE OR AUTHORITY TO PRACTICE DERIVES FROM THE PROVISIONS OF THIS ARTICLE SHALL BE PROHIBITED FROM:

(A) PRESCRIBING OR ADMINISTERING DRUGS AS DEFINED IN THIS CHAPTER AS A TREATMENT, THERAPY, OR PROFESSIONAL SERVICE IN THE PRACTICE OF HIS OR HER PROFESSION; OR

(B) USING INVASIVE PROCEDURES AS A TREATMENT, THERAPY, OR PROFESSIONAL SERVICE IN THE PRACTICE OF HIS OR HER PROFESSION. FOR PURPOSES OF THIS SUBDIVISION, "INVASIVE PROCEDURE" MEANS ANY PROCEDURE IN WHICH HUMAN TISSUE IS CUT, ALTERED, OR OTHERWISE INFILTRATED BY MECHANICAL OR OTHER MEANS. INVASIVE PROCEDURE INCLUDES SURGERY, LASERS, IONIZING RADIATION, THERAPEUTIC ULTRASOUND, OR ELECTROCONVULSIVE THERAPY.

3. NOTHING IN THIS ARTICLE SHALL BE DEEMED TO AUTHORIZE, GRANT OR EXTEND HOSPITAL PRIVILEGES TO INDIVIDUALS LICENSED UNDER THIS ARTICLE.

S 8725. LIMITED PERMITS. 1. THE DEPARTMENT MAY ISSUE A LIMITED PERMIT TO AN APPLICANT WHOSE QUALIFICATIONS HAVE BEEN APPROVED FOR ADMISSION TO THE EXAMINATION IN ACCORDANCE WITH REGULATIONS PROMULGATED THEREFOR.

2. LIMITED PERMITS SHALL BE FOR ONE YEAR AND BE RENEWED, AT THE DISCRETION OF THE DEPARTMENT, FOR ONE ADDITIONAL YEAR.

3. THE FEE FOR EACH LIMITED PERMIT AND FOR EACH RENEWAL SHALL BE SEVENTY DOLLARS.

S 8726. EXEMPTIONS. NOTHING CONTAINED IN THIS ARTICLE SHALL BE CONSTRUED TO:

1. APPLY TO THE PRACTICE, CONDUCT, ACTIVITIES, SERVICES OR USE OF ANY TITLE BY ANY PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE MEDICINE WITHIN THE STATE PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF THIS TITLE OR BY ANY PERSON REGISTERED TO PERFORM SERVICES AS A PHYSICIAN ASSISTANT WITHIN THE STATE PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE-B OF THIS TITLE OR BY ANY PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE PSYCHOLOGY WITHIN THIS STATE PURSUANT TO ARTICLE ONE HUNDRED FIFTY-THREE OF THIS TITLE OR BY ANY PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE AS A LICENSED CLINICAL SOCIAL WORKER WITHIN THIS STATE PURSUANT TO ARTICLE ONE HUNDRED FIFTY-FOUR OF THIS TITLE, OR BY ANY PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE NURSING AS A REGISTERED PROFESSIONAL NURSE WITHIN THIS STATE PURSUANT TO ARTICLE ONE HUNDRED THIRTY-NINE OF THIS TITLE, OR BY ANY PERSON LICENSED OR OTHERWISE AUTHORIZED TO PRACTICE MENTAL HEALTH COUNSELING, MARRIAGE AND FAMILY THERAPY, CREATIVE ARTS THERAPY, OR PSYCHOANALYSIS WITHIN THE STATE PURSUANT TO ARTICLE ONE HUNDRED SIXTY-THREE OF THIS TITLE; PROVIDED, HOWEVER, THAT NO PHYSICIAN, PHYSICIAN'S ASSISTANT, REGISTERED PROFESSIONAL NURSE, PSYCHOLOGIST, LICENSED CLINICAL SOCIAL WORKER, LICENSED MENTAL HEALTH COUNSELOR, LICENSED MARRIAGE AND FAMILY THERAPIST, LICENSED CREATIVE ARTS THERAPIST OR LICENSED PSYCHOANALYST MAY USE THE TITLE UNLESS LICENSED UNDER THIS ARTICLE;

2. PROHIBIT OR LIMIT ANY INDIVIDUAL WHO IS CREDENTIALED UNDER ANY LAW, INCLUDING ATTORNEYS, RAPE CRISIS COUNSELORS, CERTIFIED ALCOHOLISM COUN-

SELORS AND CERTIFIED SUBSTANCE ABUSE COUNSELORS FROM PROVIDING MENTAL HEALTH SERVICES WITHIN THEIR RESPECTIVE ESTABLISHED AUTHORITIES;

3. PROHIBIT OR LIMIT THE PRACTICE OF A PROFESSION LICENSED PURSUANT TO THIS ARTICLE BY A STUDENT, INTERN OR RESIDENT IN, AND AS A PART OF, A SUPERVISED EDUCATIONAL PROGRAM IN AN INSTITUTION APPROVED BY THE DEPARTMENT;

4. PROHIBIT OR LIMIT THE PROVISION OF PASTORAL COUNSELING SERVICES BY ANY MEMBER OF THE CLERGY OR CHRISTIAN SCIENCE PRACTITIONER, WITHIN THE CONTEXT OF HIS OR HER MINISTERIAL CHARGE OR OBLIGATION;

5. PROHIBIT OR LIMIT INDIVIDUALS, CHURCHES, SCHOOLS, TEACHERS, ORGANIZATIONS, OR NOT-FOR-PROFIT BUSINESSES, FROM PROVIDING INSTRUCTION, ADVICE, SUPPORT, ENCOURAGEMENT, OR INFORMATION TO INDIVIDUALS, FAMILIES, AND RELATIONAL GROUPS; OR

6. PROHIBIT OR LIMIT AN OCCUPATIONAL THERAPIST FROM PERFORMING WORK CONSISTENT WITH ARTICLE ONE HUNDRED FIFTY-SIX OF THIS TITLE.

S 8727. SPECIAL PROVISIONS. 1. ANY NONEXEMPT PERSON PRACTICING THE PROFESSION OF SCHOOL PSYCHOLOGY SHALL APPLY FOR A LICENSE OF SUCH PROFESSION WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION.

(A) IF SUCH PERSON DOES NOT MEET THE REQUIREMENTS FOR A LICENSE ESTABLISHED WITHIN THIS ARTICLE, SUCH PERSON MAY MEET ALTERNATIVE CRITERIA DETERMINED BY THE DEPARTMENT TO BE THE SUBSTANTIAL EQUIVALENT OF SUCH CRITERIA.

(B) IF SUCH PERSON MEETS THE REQUIREMENTS FOR A LICENSE ESTABLISHED WITHIN THIS ARTICLE, EXCEPT FOR EXAMINATION, AND HAS BEEN CERTIFIED OR REGISTERED BY A NATIONAL CERTIFYING OR REGISTERING BODY HAVING CERTIFICATION OR REGISTRATION STANDARDS ACCEPTABLE TO THE COMMISSIONER, THE DEPARTMENT SHALL LICENSE WITHOUT EXAMINATION.

2. NOTWITHSTANDING THE REQUIREMENTS OF SECTION EIGHTY-SEVEN HUNDRED TWENTY-THREE OF THIS ARTICLE, AND FOR A PERIOD OF TIME NOT TO EXCEED TWO YEARS FROM THE EFFECTIVE DATE OF THIS ARTICLE, AN INDIVIDUAL MAY BE LICENSED AS A SCHOOL PSYCHOLOGIST PROVIDED SUCH PERSON HAS EITHER:

(A) MET THE EDUCATIONAL REQUIREMENTS AS DEFINED IN SECTION EIGHTY-SEVEN HUNDRED TWENTY-THREE OF THIS ARTICLE AND PERFORMED THE DUTIES OF A SCHOOL PSYCHOLOGIST FOR TWO OF THE PAST FIVE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE; OR

(B) PERFORMED THE DUTIES OF A SCHOOL PSYCHOLOGIST FOR AT LEAST FIVE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE.

3. ANY PERSON LICENSED PURSUANT TO THIS ARTICLE MAY USE ACCEPTED CLASSIFICATIONS OF SIGNS, SYMPTOMS, DYSFUNCTIONS AND DISORDERS, AS APPROVED IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE DEPARTMENT, IN THE PRACTICE OF SUCH LICENSED PROFESSION.

S 8. Paragraph a of subdivision 3 of section 6507 of the education law, as amended by chapter 356 of the laws of 2006, is amended to read as follows:

a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession. Notwithstanding any other provision of law, the commissioner shall establish standards requiring that all persons applying, on or after January first, nineteen hundred ninety-one, initially, or for the renewal of, a license, registration or limited permit to be a physician, chiropractor, dentist, registered nurse, podiatrist, optometrist, psychiatrist, psychologist, LICENSED SCHOOL PSYCHOLOGIST, licensed master social worker, licensed clinical social worker, licensed creative arts therapist, licensed marriage and family therapist, licensed mental health counselor, licensed psychoanalyst, or dental hygienist shall, in addition to all the other licensure, certification

or permit requirements, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Such coursework or training may also include information regarding the physical and behavioral indicators of the abuse of individuals with mental retardation and other developmental disabilities and voluntary reporting of abused or neglected adults to the office of mental retardation and developmental disabilities or the local adult protective services unit. Each applicant shall provide the department with documentation showing that he or she has completed the required training. The department shall provide an exemption from the child abuse and maltreatment training requirements to any applicant who requests such an exemption and who shows, to the department's satisfaction, that there would be no need because of the nature of his or her practice for him or her to complete such training;

S 9. Paragraph (a) of subdivision 1 of section 413 of the social services law, as amended by section 3 of part D of chapter 501 of the laws of 2012, is amended to read as follows:

(a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; SCHOOL PSYCHOLOGIST; registered nurse; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; hospital personnel engaged in the admission, examination, care or treatment of persons; a Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; social services worker; director of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section thirteen hundred ninety-two of the public health law; day care center worker; school-age child care worker; provider of family or group family day care; or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; all persons credentialed by the office of alcoholism and substance abuse services; peace officer; police officer; district attorney or assistant

district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

S 10. Section 7602 of the education law, as added by chapter 987 of the laws of 1971, is amended to read as follows:

S 7602. State board for psychology. A state board for psychology shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing and professional conduct in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than eleven [psychologists licensed in this state] MEMBERS, A NUMBER OF WHOM SHALL BE LICENSED SCHOOL PSYCHOLOGISTS SUFFICIENT TO ASSURE MEANINGFUL PARTICIPATION IN BOARD ACTIVITIES. An executive secretary to the board shall be appointed by the board of regents upon the recommendation of the commissioner and shall be a psychologist, licensed in this state.

S 11. Subdivisions 5, 10, 12, 16-a and 16-b of section 400.00 of the penal law, subdivisions 5, 10 and 12 as amended and subdivisions 16-a and 16-b as added by chapter 1 of the laws of 2013, are amended to read as follows:

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. [Except as provided in paragraphs (b) through (f) of this subdivision, the] THE name and address of any person to whom an application for any license has been granted shall NOT 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.]

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.]

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.

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 12. Subdivision 24 of section 265.00 of the penal law is REPEALED.

S 13. Paragraph 3 of subdivision a of section 265.20 of the penal law, as amended by chapter 1 of the laws of 2013, is amended 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.

S 14. Section 400.10 of the penal law, as amended by chapter 1 of the laws of 2013, 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 a class A misdemeanor.

S 15. Subdivision (b) of section 9.46 of the mental hygiene law, as added by chapter 1 of the laws of 2013, is amended to read as follows:

(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 SHALL INCLUDE AT LEAST TWO OF THE FOLLOWING: BIRTHDATE, SOCIAL SECURITY NUMBER OR CURRENT ADDRESS, 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.

S 16. Subdivision 19 of section 837 of the executive law, as added by chapter 1 of the laws of 2013, is amended to read as follows:

19. Receive names and other non-clinical identifying information, WHICH SHALL INCLUDE AT LEAST TWO OF THE FOLLOWING: BIRTHDATE, SOCIAL SECURITY NUMBER OR CURRENT ADDRESS, 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. 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] DETERMINE WHETHER the person named in the report possesses a license issued pursuant to this section[, to]. IT SHALL BE THE RESPONSIBILITY OF THE DIVISION OF CRIMINAL JUSTICE SERVICES TO CONFIRM THAT THE PERSON NAMED IN THE REPORT IS THE SAME PERSON TO WHOM SUCH LICENSE HAS BEEN ISSUED. AFTER SUCH CONFIRMATION IS MADE, THE DIVISION SHALL NOTIFY the appropriate licensing [official] OFFICER, who shall issue an order suspending or revoking such license. THE LICENSEE SHALL HAVE THE RIGHT TO A HEARING BEFORE THE LICENSING OFFICER REGARDING ANY REVOCATION, SUSPENSION, INELIGIBILITY OR SURRENDER ORDERED PURSUANT TO THIS SUBDIVISION AND WHERE SUCH A HEARING IS REQUESTED, IT SHALL BE COMMENCED WITHIN FOURTEEN DAYS OF THE DATE SUCH REVOCATION, SUSPENSION, INELIGIBILITY OR SURRENDER IS ORDERED.

(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 18. This act shall take effect immediately; provided that: the amendments to subdivisions 10, 12, 16-b and paragraphs (b) and (c) of subdivision 11 of section 400.00 of the penal law made by sections eleven and seventeen of 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; and sections seven, eight, nine and ten of this act shall take effect January 1, 2014, provided, however, that if section 3 of part D of chapter 501 of the laws of 2012 is not in effect on such effective date, then the amendments to paragraph (a) of subdivision 1 of section 413 of the social services law made by section nine of this act shall take effect on the same date and same manner as section 3 of part D of chapter 501 of the laws of 2012, as amended, takes effect; provided further that the department of education is authorized to promulgate any and all rules and regulations and take any other measure necessary to implement such provisions on or before their effective date, including, but not limited to, the appointment of the state board of psychology, the acceptance and processing of applications for licensure and the issuance of licenses; provided further that the provisions of article 167 of the education law, as added by section seven of this act, requiring a license or limited permit to practice under such article shall not be enforced until January 1, 2015.