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

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I N A S S E M B L Y

March 13, 2014

Introduced by M. of A. ZEBROWSKI, SCARBOROUGH, CROUCH, OTIS, GOODELL -- Multi-Sponsored by -- M. of A. ARROYO, BRENNAN, JACOBS, MOSLEY -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to allowing for the temporary transfer of a pistol between permit holders

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

Section 1. The penal law is amended by adding a new section 400.04 to read as follows:

S 400.04 TEMPORARY TRANSFER OF PISTOL BETWEEN PERMIT HOLDERS.

1. A PERMIT HOLDER, KNOWN IN THIS SECTION AS THE TRANSFEROR, MAY TEMPORARILY TRANSFER POSSESSION OF PISTOLS TO ANOTHER PERMIT HOLDER, KNOWN IN THIS SECTION AS THE TRANSFEREE, LICENSED IN THE SAME COUNTY FOR A PERIOD NO LONGER THAN THIRTY DAYS. PRIOR TO A TRANSFER, THE PERMIT HOLDER MUST FILE AN APPLICATION WITH THE COUNTY CLERK IN THE COUNTY OF ISSUANCE. THE COUNTY CLERK MAY COLLECT UP TO TEN DOLLARS FOR EACH APPLICATION, REGARDLESS OF THE NUMBER OF PISTOLS TRANSFERRED.

2. THE DIVISION OF STATE POLICE SHALL DEVELOP AN APPLICATION TO COMPLETE SUCH TRANSFER. THE APPLICATION MUST BE NOTARIZED BY A LICENSED NOTARY AND CONTAIN THE FOLLOWING INFORMATION:

(A) NAME, LICENSE NUMBER, ADDRESS AND PHONE NUMBER OF BOTH THE TRANSFEROR AND TRANSFEREE;

(B) LIST OF PISTOLS AND THEIR SERIAL NUMBERS WHICH ARE BEING TEMPORARILY TRANSFERRED FROM ONE PERMIT HOLDER TO THE OTHER PERMIT HOLDER;

(C) INDICATE THE REASON FOR TRANSFER;

(D) DATE OF PISTOL TRANSFER;

(E) LENGTH OF TEMPORARY TRANSFER AND EXPECTED DAY OF RETURN FROM TRANSFEREE TO TRANSFEROR.

3. THE APPLICATION SHALL INCLUDE A TRANSFER AGREEMENT STATEMENT THAT MUST BE SIGNED BY BOTH THE TRANSFEROR AND TRANSFEREE AND INCLUDE THE FOLLOWING CONDITIONS:

(A) ALL TRANSFERRED PISTOLS SHALL AT ALL TIMES BE:

(I) KEPT ON THE PREMISE OF THE TRANSFEREE DURING THE TRANSFER PERIOD;

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

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(II) STORED IN A SAFE STORAGE DEPOSITORY AS DEFINED IN SECTION 265.45 OF THE PENAL LAW;

(III) UNLOADED AND SHALL NOT BE DISCHARGED.

(B) THE TRANSFEROR MUST COLLECT ALL TRANSFERRED PISTOLS BY THE DATE OF RETURN IN WHICH MAY NOT EXCEED THIRTY DAYS FROM THE DATE OF TRANSFER.

4. THE TRANSFEROR MUST FILE A STATEMENT OF RELINQUISHMENT WITH THE COUNTY CLERK NO MORE THAN FORTY-FIVE DAYS AFTER THE DATE OF TRANSFER.

5. THE COUNTY CLERK SHALL REPORT ANY DELINQUENT TRANSFERS, WHICH HAVE NOT FILED A STATEMENT OF RELINQUISHMENT WITHIN FORTY-FIVE DAYS, TO THE SHERIFF OF SUCH COUNTY. THE SHERIFF SHALL HAVE THE AUTHORITY TO SEIZE THE UNRETURNED PISTOLS.

6. THE SHERIFF SHALL RETAIN THE PISTOLS PURSUANT TO SUBDIVISION SIX OF SECTION 400.05 OF THIS ARTICLE AND MAY COLLECT A FEE OF UP TO TEN DOLLARS FOR EACH PISTOL UPON RETURN TO THE OWNER.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.