

3067

2013-2014 Regular Sessions

I N S E N A T E

January 29, 2013

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

AN ACT to amend the penal law, in relation to the issuance of a license
to carry a firearm

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

1 Section 1. Subdivision 1 of section 400.00 of the penal law, as
2 amended by chapter 189 of the laws of 2000, is amended to read as
3 follows:
4 1. Eligibility. No license shall be issued or renewed pursuant to this
5 section except by the licensing officer, and then only after investi-
6 gation and finding that all statements in a proper application for a
7 license are true. No license shall be issued or renewed except for an
8 applicant (a) twenty-one years of age or older, provided, however, that
9 where such applicant has been honorably discharged from the United
10 States army, navy, marine corps, air force or coast guard, or the
11 national guard of the state of New York, no such age restriction shall
12 apply; (b) of good moral character; (c) who has not been convicted
13 anywhere of a felony or a serious offense; (d) who has [stated whether
14 he or she has] NOT HAD A GUARDIAN APPOINTED FOR THEM PURSUANT TO ANY
15 PROVISION OF LAW, BASED ON A DETERMINATION THAT AS A RESULT OF MARKED
16 SUBNORMAL INTELLIGENCE, MENTAL ILLNESS, INCAPACITY, CONDITION OR
17 DISEASE, HE OR SHE LACKS THE MENTAL CAPACITY TO CONTRACT OR MANAGE THEIR
18 OWN AFFAIRS OR ever suffered any mental illness or been confined to any
19 hospital or institution, public or private, for mental illness; (e) who
20 has not had a license revoked or who is not under a suspension or inel-
21 igibility order issued pursuant to the provisions of section 530.14 of
22 the criminal procedure law or section eight hundred forty-two-a of the
23 family court act; (f) [in the county of Westchester,] who has success-
24 fully completed a firearms safety course and test as evidenced by a
25 certificate of completion issued in his or her name and endorsed and

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

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

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

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

1 United States army, navy, marine corps, AIR FORCE or coast guard, or of
2 the national guard of the state of New York, and produce evidence of
3 official qualification in firearms during the term of service are not
4 required to have completed those hours of a firearms safety course
5 pertaining to the safe use, carrying, possession, maintenance and stor-
6 age of a firearm; and (ii) persons who were licensed to possess a pistol
7 or revolver prior to the effective date of this paragraph are not
8 required to have completed a firearms safety course and test; (m) who
9 has not had a guardian appointed for [him or her] THEM pursuant to any
10 provision of state law, based on a determination that as a result of
11 marked subnormal intelligence, mental illness, incapacity, condition or
12 disease, he or she lacks the mental capacity to contract or manage [his
13 or her] THEIR own affairs; and (n) concerning whom no good cause exists
14 for the denial of the license. No person shall engage in the business of
15 gunsmith or dealer in firearms unless licensed pursuant to this section.
16 An applicant to engage in such business shall also be a citizen of the
17 United States, more than twenty-one years of age and maintain a place of
18 business in the city or county where the license is issued. For such
19 business, if the applicant is a firm or partnership, each member thereof
20 shall comply with all of the requirements set forth in this subdivision
21 and if the applicant is a corporation, each officer thereof shall so
22 comply.

23 S 3. This act shall take effect on the one hundred twentieth day after
24 it shall have become a law; provided that the amendments to subdivision
25 1 of section 400.00 of the penal law, made by section two of this act
26 shall take effect on the same date and in the same manner as section 48
27 of chapter 1 of the laws of 2013, takes effect.