

5788

2015-2016 Regular Sessions

I N A S S E M B L Y

March 4, 2015

Introduced by M. of A. KAVANAGH, PEOPLES-STOKES, JAFFEE, ROBINSON,
BROOK-KRASNY, AUBRY, LAVINE -- Multi-Sponsored by -- M. of A. GANTT,
GLICK, GOTTFRIED, HOOPER, LIFTON, McDONOUGH, WRIGHT -- read once and
referred 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 ASSEMBLY,
DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 400.00 of the penal law, as
2 amended by chapter 1 of the laws of 2013, is amended to read as follows:
3 1. Eligibility. No license shall be issued or renewed pursuant to this
4 section except by the licensing officer, and then only after investi-
5 gation and finding that all statements in a proper application for a
6 license are true. No license shall be issued or renewed except for an
7 applicant (a) twenty-one years of age or older, provided, however, that
8 where such applicant has been honorably discharged from the United
9 States army, navy, marine corps, air force or coast guard, or the
10 national guard of the state of New York, no such age restriction shall
11 apply; (b) of good moral character; (c) who has not been convicted
12 anywhere of a felony or a serious offense; (d) who is not a fugitive
13 from justice; (e) who is not an unlawful user of or addicted to any
14 controlled substance as defined in section 21 U.S.C. 802; (f) who being
15 an alien (i) is not illegally or unlawfully in the United States or (ii)
16 has not been admitted to the United States under a nonimmigrant visa
17 subject to the exception in 18 U.S.C. 922(y)(2); (g) who has not been
18 discharged from the Armed Forces under dishonorable conditions; (h) who,
19 having been a citizen of the United States, has not renounced his or her
20 citizenship; (i) who has [stated whether he or she has] NOT HAD A GUARD-
21 IAN APPOINTED FOR THEM PURSUANT TO ANY PROVISION OF LAW, BASED ON A
22 DETERMINATION THAT AS A RESULT OF MARKED SUBNORMAL INTELLIGENCE, MENTAL
23 ILLNESS, INCAPACITY, CONDITION OR DISEASE, HE OR SHE LACKS THE MENTAL

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

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1 CAPACITY TO CONTRACT OR MANAGE THEIR OWN AFFAIRS OR ever suffered any
2 mental illness; (j) who has not been involuntarily committed to a facil-
3 ity under the jurisdiction of an office of the department of mental
4 hygiene pursuant to article nine or fifteen of the mental hygiene law,
5 article seven hundred thirty or section 330.20 of the criminal procedure
6 law, section four hundred two or five hundred eight of the correction
7 law, section 322.2 or 353.4 of the family court act, or has not been
8 civilly confined in a secure treatment facility pursuant to article ten
9 of the mental hygiene law; (k) who has not had a license revoked or who
10 is not under a suspension or ineligibility order issued pursuant to the
11 provisions of section 530.14 of the criminal procedure law or section
12 eight hundred forty-two-a of the family court act; (l) [in the county of
13 Westchester,] who has successfully completed a firearms safety course
14 and test as evidenced by a certificate of completion issued in his or
15 her name and endorsed and affirmed under the penalties of perjury by a
16 duly authorized instructor, APPROVED BY THE SUPERINTENDENT OF STATE
17 POLICE except that: (i) persons who are honorably discharged from the
18 United States army, navy, marine corps, AIR FORCE or coast guard, or of
19 the national guard of the state of New York, and produce evidence of
20 official qualification in firearms during the term of service are not
21 required to have completed those hours of a firearms safety course
22 pertaining to the safe use, carrying, possession, maintenance and stor-
23 age of a firearm; and (ii) persons who were licensed to possess a pistol
24 or revolver prior to the effective date of this paragraph are not
25 required to have completed a firearms safety course and test; (m) who
26 has not had a guardian appointed for him or her pursuant to any
27 provision of state law, based on a determination that as a result of
28 marked subnormal intelligence, mental illness, incapacity, condition or
29 disease, he or she lacks the mental capacity to contract or manage his
30 or her own affairs; and (n) concerning whom no good cause exists for the
31 denial of the license. No person shall engage in the business of
32 gunsmith or dealer in firearms unless licensed pursuant to this section.
33 An applicant to engage in such business shall also be a citizen of the
34 United States, more than twenty-one years of age and maintain a place of
35 business in the city or county where the license is issued. For such
36 business, if the applicant is a firm or partnership, each member thereof
37 shall comply with all of the requirements set forth in this subdivision
38 and if the applicant is a corporation, each officer thereof shall so
39 comply.

40 S 2. This act shall take effect on the one hundred twentieth day after
41 it shall have become a law.