

# STATE OF NEW YORK

7357

2017-2018 Regular Sessions

## IN ASSEMBLY

April 24, 2017

Introduced by M. of A. OAKS, KOLB, HAWLEY, PALMESANO, WALTER, FINCH, FRIEND, DiPIETRO, ERRIGO -- Multi-Sponsored by -- M. of A. BARCLAY, BLANKENBUSH, CASTORINA, CROUCH, GIGLIO, LALOR, McDONOUGH, McLAUGHLIN, B. MILLER, MONTESANO, STEC -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to a license to carry or possess a firearm

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 265.00 of the penal law is amended by adding a new  
2 subdivision 10-a to read as follows:

3 10-a. "Filing officer" means the county clerk of each county, unless  
4 otherwise specified through resolution by the county's legislative body.

5 § 2. Subdivisions 9, 10, 13 and 14 of section 400.00 of the penal law,  
6 subdivisions 9 and 10 as amended by chapter 1 of the laws of 2013 and  
7 subdivision 14 as amended by chapter 195 of the laws of 2005, are  
8 amended to read as follows:

9 9. License: amendment. Elsewhere than in the city of New York, a  
10 person licensed to carry or possess a pistol or revolver may apply at  
11 any time to [~~his or her licensing~~] the filing officer for amendment of  
12 his or her license to include one or more such weapons or to cancel  
13 weapons held under license. [~~If granted, a~~] A record of the amendment  
14 describing the weapons involved shall be filed by the licensing officer  
15 in the executive department, division of state police, Albany. The  
16 superintendent of state police may authorize that such amendment be  
17 completed and transmitted to the state police in electronic form.  
18 Notification of any change of residence shall be made in writing by any  
19 licensee within ten days after such change occurs, and a record of such  
20 change shall be inscribed by such licensee on the reverse side of his or  
21 her license. Elsewhere than in the city of New York, and in the counties  
22 of Nassau and Suffolk, such notification shall be made to the executive

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

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1 department, division of state police, Albany, and in the city of New  
2 York to the police commissioner of that city, and in the county of  
3 Nassau to the police commissioner of that county, and in the county of  
4 Suffolk to the [licensing] filing officer of that county, who shall,  
5 within ten days after such notification shall be received by him or her,  
6 give notice in writing of such change to the executive department, divi-  
7 sion of state police, at Albany.

8 10. License: expiration, certification and renewal. (a) Any license  
9 for gunsmith or dealer in firearms and, in the city of New York, any  
10 license to carry or possess a pistol or revolver, issued at any time  
11 pursuant to this section or prior to the first day of July, nineteen  
12 hundred sixty-three and not limited to expire on an earlier date fixed  
13 in the license, shall expire not more than three years after the date of  
14 issuance. In the counties of Nassau, Suffolk and Westchester, any  
15 license to carry or possess a pistol or revolver, issued at any time  
16 pursuant to this section or prior to the first day of July, nineteen  
17 hundred sixty-three and not limited to expire on an earlier date fixed  
18 in the license, shall expire not more than five years after the date of  
19 issuance; however, in the county of Westchester, any such license shall  
20 be certified prior to the first day of April, two thousand, in accord-  
21 ance with a schedule to be contained in regulations promulgated by the  
22 commissioner of the division of criminal justice services, and every  
23 such license shall be recertified every five years thereafter. For  
24 purposes of this section certification shall mean that the licensee  
25 shall provide to the licensing officer the following information only:  
26 current name, date of birth, current address, and the make, model, cali-  
27 ber and serial number of all firearms currently possessed. Such certifi-  
28 cation information shall be filed by the licensing officer in the same  
29 manner as an amendment. Elsewhere than in the city of New York and the  
30 counties of Nassau, Suffolk and Westchester, any license to carry or  
31 possess a pistol or revolver, issued at any time pursuant to this  
32 section or prior to the first day of July, nineteen hundred sixty-three  
33 and not previously revoked or cancelled, shall be in force and effect  
34 until revoked as herein provided. Any license not previously cancelled  
35 or revoked shall remain in full force and effect for thirty days beyond  
36 the stated expiration date on such license. Any application to renew a  
37 license that has not previously expired, been revoked or cancelled shall  
38 thereby extend the term of the license until disposition of the applica-  
39 tion by the [licensing] filing officer. In the case of a license for  
40 gunsmith or dealer in firearms, in counties having a population of less  
41 than two hundred thousand inhabitants, photographs and fingerprints  
42 shall be submitted on original applications and upon renewal thereafter  
43 only at six year intervals. Upon satisfactory proof that a currently  
44 valid original license has been despoiled, lost or otherwise removed  
45 from the possession of the licensee and upon application containing an  
46 additional photograph of the licensee, the [licensing] filing officer  
47 shall issue a duplicate license.

48 (b) All licensees shall be recertified to the division of state police  
49 every five years thereafter. Any license issued before the effective  
50 date of the chapter of the laws of two thousand thirteen which added  
51 this paragraph shall be recertified by the licensee on or before January  
52 thirty-first, two thousand eighteen, and not less than one year prior to  
53 such date, the state police shall send a notice to all license holders  
54 who have not recertified by such time. Such recertification shall be in  
55 a form as approved by the superintendent of state police, which shall  
56 request the license holder's name, date of birth, gender, race, residen-

1 tial address, social security number, firearms possessed by such license  
2 holder, email address at the option of the license holder and an affir-  
3 mation that such license holder is not prohibited from possessing  
4 firearms. The form may be in an electronic form if so designated by the  
5 superintendent of state police. Failure to recertify shall act as a  
6 revocation of such license. If the New York state police discover as a  
7 result of the recertification process that a licensee failed to provide  
8 a change of address, the New York state police shall not require the  
9 [~~licensing~~] ~~filing~~ officer to revoke such license.

10 13. Expenses. The expense of providing a [~~licensing~~] ~~filing~~ officer  
11 with blank applications, licenses and record books for carrying out the  
12 provisions of this section shall be a charge against the county, and in  
13 the city of New York against the city.

14 14. Fees. In the city of New York and the county of Nassau, the annual  
15 license fee shall be twenty-five dollars for gunsmiths and fifty dollars  
16 for dealers in firearms. In such city, the city council and in the coun-  
17 ty of Nassau the Board of Supervisors shall fix the fee to be charged  
18 for a license to carry or possess a pistol or revolver and provide for  
19 the disposition of such fees. Elsewhere in the state, the [~~licensing~~]  
20 ~~filing~~ officer shall collect and pay into the county treasury the  
21 following fees: for each license to carry or possess a pistol or revol-  
22 ver, not less than three dollars nor more than ten dollars as may be  
23 determined by the legislative body of the county; for each amendment  
24 thereto, three dollars, and five dollars in the county of Suffolk; and  
25 for each license issued to a gunsmith or dealer in firearms, ten  
26 dollars. The fee for a duplicate license shall be five dollars. The fee  
27 for processing a license transfer between counties shall be five  
28 dollars. The fee for processing a license or renewal thereof for a qual-  
29 ified retired police officer as defined under subdivision thirty-four of  
30 section 1.20 of the criminal procedure law, or a qualified retired sher-  
31 iff, undersheriff, or deputy sheriff of the city of New York as defined  
32 under subdivision two of section 2.10 of the criminal procedure law, or  
33 a qualified retired bridge and tunnel officer, sergeant or lieutenant of  
34 the triborough bridge and tunnel authority as defined under subdivision  
35 twenty of section 2.10 of the criminal procedure law, or a qualified  
36 retired uniformed court officer in the unified court system, or a quali-  
37 fied retired court clerk in the unified court system in the first and  
38 second judicial departments, as defined in paragraphs a and b of subdi-  
39 vision twenty-one of section 2.10 of the criminal procedure law or a  
40 retired correction officer as defined in subdivision twenty-five of  
41 section 2.10 of the criminal procedure law shall be waived in all coun-  
42 ties throughout the state.

43 § 3. This act shall take effect immediately.