

# STATE OF NEW YORK

3855

2017-2018 Regular Sessions

## IN SENATE

January 27, 2017

Introduced by Sen. MARCHIONE -- 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 removing the photograph requirement for a firearm license where the licensee is of a faith that forbids a photograph be taken of himself or herself

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

1 Section 1. Paragraph (a) of subdivision 3, subdivision 7, and para-  
2 graph (a) of subdivision 10 of section 400.00 of the penal law, para-  
3 graph (a) of subdivision 3 and paragraph (a) of subdivision 10 as  
4 amended by chapter 1 of the laws of 2013, are amended to read as  
5 follows:

6 (a) Applications shall be made and renewed, in the case of a license  
7 to carry or possess a pistol or revolver, to the licensing officer in  
8 the city or county, as the case may be, where the applicant resides, is  
9 principally employed or has his or her principal place of business as  
10 merchant or storekeeper; and, in the case of a license as gunsmith or  
11 dealer in firearms, to the licensing officer where such place of busi-  
12 ness is located. Blank applications shall, except in the city of New  
13 York, be approved as to form by the superintendent of state police. An  
14 application shall state the full name, date of birth, residence, present  
15 occupation of each person or individual signing the same, whether or not  
16 he or she is a citizen of the United States, whether or not he or she  
17 complies with each requirement for eligibility specified in subdivision  
18 one of this section and such other facts as may be required to show the  
19 good character, competency and integrity of each person or individual  
20 signing the application. An application shall be signed and verified by  
21 the applicant. Each individual signing an application shall submit one  
22 photograph of himself or herself and a duplicate for each required copy  
23 of the application. Such photographs shall have been taken within thirty  
24 days prior to filing the application, except for applicants whose reli-

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

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1 gion does not allow for photography, such as those of the Amish faith.

2 In case of a license as gunsmith or dealer in firearms, the photographs  
3 submitted shall be two inches square, and the application shall also  
4 state the previous occupation of each individual signing the same and  
5 the location of the place of such business, or of the bureau, agency,  
6 subagency, office or branch office for which the license is sought,  
7 specifying the name of the city, town or village, indicating the street  
8 and number and otherwise giving such apt description as to point out  
9 reasonably the location thereof. In such case, if the applicant is a  
10 firm, partnership or corporation, its name, date and place of formation,  
11 and principal place of business shall be stated. For such firm or part-  
12 nership, the application shall be signed and verified by each individual  
13 composing or intending to compose the same, and for such corporation, by  
14 each officer thereof.

15 7. License: form. Any license issued pursuant to this section shall,  
16 except in the city of New York, be approved as to form by the super-  
17 intendent of state police. A license to carry or possess a pistol or  
18 revolver shall have attached the licensee's photograph, except for  
19 applicants whose religion does not allow for photography, such as those  
20 of the Amish faith, and a coupon which shall be removed and retained by  
21 any person disposing of a firearm to the licensee. Such license shall  
22 specify the weapon covered by calibre, make, model, manufacturer's name  
23 and serial number, or if none, by any other distinguishing number or  
24 identification mark, and shall indicate whether issued to carry on the  
25 person or possess on the premises, and if on the premises shall also  
26 specify the place where the licensee shall possess the same. If such  
27 license is issued to an alien, or to a person not a citizen of and  
28 usually a resident in the state, the licensing officer shall state in  
29 the license the particular reason for the issuance and the names of the  
30 persons certifying to the good character of the applicant. Any license  
31 as gunsmith or dealer in firearms shall mention and describe the prem-  
32 ises for which it is issued and shall be valid only for such premises.

33 (a) Any license for gunsmith or dealer in firearms and, in the city of  
34 New York, any license to carry or possess a pistol or revolver, issued  
35 at any time pursuant to this section or prior to the first day of July,  
36 nineteen hundred sixty-three and not limited to expire on an earlier  
37 date fixed in the license, shall expire not more than three years after  
38 the date of issuance. In the counties of Nassau, Suffolk and Westches-  
39 ter, any license to carry or possess a pistol or revolver, issued at any  
40 time pursuant to this section or prior to the first day of July, nine-  
41 teen hundred sixty-three and not limited to expire on an earlier date  
42 fixed in the license, shall expire not more than five years after the  
43 date of issuance; however, in the county of Westchester, any such  
44 license shall be certified prior to the first day of April, two thou-  
45 sand, in accordance with a schedule to be contained in regulations  
46 promulgated by the commissioner of the division of criminal justice  
47 services, and every such license shall be recertified every five years  
48 thereafter. For purposes of this section certification shall mean that  
49 the licensee shall provide to the licensing officer the following infor-  
50 mation only: current name, date of birth, current address, and the  
51 make, model, caliber and serial number of all firearms currently  
52 possessed. Such certification information shall be filed by the licens-  
53 ing officer in the same manner as an amendment. Elsewhere than in the  
54 city of New York and the counties of Nassau, Suffolk and Westchester,  
55 any license to carry or possess a pistol or revolver, issued at any time  
56 pursuant to this section or prior to the first day of July, nineteen

1 hundred sixty-three and not previously revoked or cancelled, shall be in  
2 force and effect until revoked as herein provided. Any license not  
3 previously cancelled or revoked shall remain in full force and effect  
4 for thirty days beyond the stated expiration date on such license. Any  
5 application to renew a license that has not previously expired, been  
6 revoked or cancelled shall thereby extend the term of the license until  
7 disposition of the application by the licensing officer. In the case of  
8 a license for gunsmith or dealer in firearms, in counties having a popu-  
9 lation of less than two hundred thousand inhabitants, photographs,  
10 except for applicants whose religion does not allow for photography,  
11 such as those of the Amish faith, and fingerprints shall be submitted on  
12 original applications and upon renewal thereafter only at six year  
13 intervals. Upon satisfactory proof that a currently valid original  
14 license has been despoiled, lost or otherwise removed from the  
15 possession of the licensee and upon application containing an additional  
16 photograph of the licensee, the licensing officer shall issue a dupli-  
17 cate license.

18 § 2. Paragraph (c) of subdivision 3 of section 400.03 of the penal  
19 law, as added by chapter 1 of the laws of 2013, is amended to read as  
20 follows:

21 (c) the transferor has verified the identity of the transferee by  
22 examining a valid state identification document of the transferee issued  
23 by the department of motor vehicles or if the transferee is not a resi-  
24 dent of the state of New York, a valid identification document issued by  
25 the transferee's state or country of residence containing a photograph  
26 of the transferee, except for transferees whose religion does not allow  
27 for photography, such as those of the Amish faith, whose identity must  
28 be verified through fingerprinting.

29 § 3. This act shall take effect immediately.