

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.