

STATE OF NEW YORK

879

2017-2018 Regular Sessions

IN SENATE

January 5, 2017

Introduced by Sens. ORTT, AKSHAR, FUNKE, RITCHIE, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, the family court act, the domestic relations law, the general business law, the judiciary law, the mental hygiene law, the penal law and the surrogate's court procedure act, in relation to limiting the application of certain provisions of law relating to firearms to the counties of Suffolk, Nassau, Kings, Queens, Richmond, New York, Bronx and Westchester; and to repeal section 400.02 of the penal law relating to the statewide license and record database

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

1 Section 1. Subdivision 2-a of section 330.20 of the criminal procedure
2 law, as added by chapter 1 of the laws of 2013, is amended to read as
3 follows:

4 2-a. Firearm, rifle or shotgun surrender order in certain counties.
5 [~~Upon~~] In the counties of Suffolk, Nassau, Kings, Queens, Richmond, New
6 York, Bronx and Westchester, upon entry of a verdict of not responsible
7 by reason of mental disease or defect, or upon the acceptance of a plea
8 of not responsible by reason of mental disease or defect, or upon a
9 finding that the defendant is an incapacitated person pursuant to arti-
10 cle seven hundred thirty of this chapter, the court shall revoke the
11 defendant's firearm license, if any, inquire of the defendant as to the
12 existence and location of any firearm, rifle or shotgun owned or
13 possessed by such defendant and direct the surrender of such firearm,
14 rifle or shotgun pursuant to subparagraph (f) of paragraph one of subdi-
15 vision a of section 265.20 and subdivision six of section 400.05 of the
16 penal law.

17 § 2. Section 380.96 of the criminal procedure law, as added by chapter
18 1 of the laws of 2013, is amended to read as follows:

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

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1 § 380.96 Obligation of sentencing court in certain counties pursuant to
2 article four hundred of the penal law.

3 [~~Upon~~] In the counties of Suffolk, Nassau, Kings, Queens, Richmond,
4 New York, Bronx and Westchester, upon judgment of conviction of any
5 offense which would require the seizure of firearms, shotguns or rifles
6 from an individual so convicted, and the revocation of any license or
7 registration issued pursuant to article four hundred of the penal law,
8 the judge pronouncing sentence shall demand surrender of any such
9 license or registration and all firearms, shotguns and rifles. The fail-
10 ure to so demand surrender shall not effect the validity of any revoca-
11 tion pursuant to article four hundred of the penal law.

12 § 3. Subdivisions 1, 2 and 3 of section 842-a of the family court act,
13 as amended by chapter 1 of the laws of 2013, are amended to read as
14 follows:

15 1. [~~Suspension~~] Mandatory and permissive suspension of firearms
16 license and ineligibility for such a license upon the issuance of a
17 temporary order of protection. Whenever a temporary order of protection
18 is issued pursuant to section eight hundred twenty-eight of this arti-
19 cle, or in the counties of Suffolk, Nassau, Kings, Queens, Richmond, New
20 York, Bronx and Westchester, pursuant to article four, five, six, seven
21 or ten of this act:

22 (a) the court shall suspend any such existing license possessed by the
23 respondent, order the respondent ineligible for such a license, and
24 order the immediate surrender [~~pursuant to subparagraph (f) of paragraph~~
25 ~~one of subdivision a of section 265.20 and subdivision six of section~~
26 ~~400.05 of the penal law,~~] of any or all firearms owned or possessed
27 where the court receives information that gives the court good cause to
28 believe that: (i) the respondent has a prior conviction of any violent
29 felony offense as defined in section 70.02 of the penal law; (ii) the
30 respondent has previously been found to have willfully failed to obey a
31 prior order of protection and such willful failure involved (A) the
32 infliction of physical injury, as defined in subdivision nine of section
33 10.00 of the penal law, (B) the use or threatened use of a deadly weapon
34 or dangerous instrument as those terms are defined in subdivisions
35 twelve and thirteen of section 10.00 of the penal law, or (C) behavior
36 constituting any violent felony offense as defined in section 70.02 of
37 the penal law; or (iii) the respondent has a prior conviction for stalk-
38 ing in the first degree as defined in section 120.60 of the penal law,
39 stalking in the second degree as defined in section 120.55 of the penal
40 law, stalking in the third degree as defined in section 120.50 of the
41 penal law or stalking in the fourth degree as defined in section 120.45
42 of such law; and

43 (b) the court may and, in the counties of Suffolk, Nassau, Kings,
44 Queens, Richmond, New York, Bronx and Westchester, shall where the court
45 finds a substantial risk that the respondent may use or threaten to use
46 a firearm unlawfully against the person or persons for whose protection
47 the temporary order of protection is issued, suspend any such existing
48 license possessed by the respondent, order the respondent ineligible for
49 such a license, and order the immediate surrender [~~pursuant to subpara-~~
50 ~~graph (f) of paragraph one of subdivision a of section 265.20 and subdi-~~
51 ~~vision six of section 400.05 of the penal law,~~] of any or all firearms
52 owned or possessed.

53 2. [~~Revocation~~] Mandatory and permissive revocation or suspension of
54 firearms license and ineligibility for such a license upon the issuance
55 of an order of protection. Whenever an order of protection is issued
56 pursuant to section eight hundred forty-one of this part, or in the

1 county of Suffolk, Nassau, Kings, Queens, Richmond, New York, Bronx or
2 Westchester, pursuant to article four, five, six, seven or ten of this
3 act:

4 (a) the court shall revoke any such existing license possessed by the
5 respondent, order the respondent ineligible for such a license, and
6 order the immediate surrender [~~pursuant to subparagraph (f) of paragraph~~
7 ~~one of subdivision a of section 265.20 and subdivision six of section~~
8 ~~400.05 of the penal law~~] of any or all firearms owned or possessed
9 where the court finds that the conduct which resulted in the issuance of
10 the order of protection involved (i) the infliction of serious physical
11 injury, as defined in subdivision [~~nine~~] ten of section 10.00 of the
12 penal law, (ii) the use or threatened use of a deadly weapon or danger-
13 ous instrument as those terms are defined in subdivisions twelve and
14 thirteen of section 10.00 of the penal law, or (iii) behavior constitut-
15 ing any violent felony offense as defined in section 70.02 of the penal
16 law; and

17 (b) the court may and, in the counties of Suffolk, Nassau, Kings,
18 Queens, Richmond, New York, Bronx and Westchester, shall, where the
19 court finds a substantial risk that the respondent may use or threaten
20 to use a firearm unlawfully against the person or persons for whose
21 protection the order of protection is issued, (i) revoke any such exist-
22 ing license possessed by the respondent, order the respondent ineligible
23 for such a license and order the immediate surrender [~~pursuant to~~
24 ~~subparagraph (f) of paragraph one of subdivision a of section 265.20 and~~
25 ~~subdivision six of section 400.05 of the penal law~~] of any or all
26 firearms owned or possessed or (ii) suspend or continue to suspend any
27 such existing license possessed by the respondent, order the respondent
28 ineligible for such a license, and order the immediate surrender [~~pursu-~~
29 ~~ant to subparagraph (f) of paragraph one of subdivision a of section~~
30 ~~265.20 and subdivision six of section 400.05 of the penal law~~] of any
31 or all firearms owned or possessed.

32 3. [~~Revocation~~] Mandatory and permissive revocation or suspension of
33 firearms license and ineligibility for such a license upon a finding of
34 a willful failure to obey an order of protection or, in the county of
35 Suffolk, Nassau, Kings, Queens, Richmond, New York, Bronx or Westches-
36 ter, temporary order of protection. Whenever a respondent has been
37 found, pursuant to section eight hundred forty-six-a of this part to
38 have willfully failed to obey an order of protection or temporary order
39 of protection issued [~~pursuant to this act or the domestic relations~~
40 ~~law, or~~] by this court or by a court of competent jurisdiction in another
41 state, territorial or tribal jurisdiction, in addition to any other
42 remedies available pursuant to section eight hundred forty-six-a of this
43 part:

44 (a) the court shall revoke any such existing license possessed by the
45 respondent, order the respondent ineligible for such a license, and
46 order the immediate surrender [~~pursuant to subparagraph (f) of paragraph~~
47 ~~one of subdivision a of section 265.20 and subdivision six of section~~
48 ~~400.05 of the penal law~~] of any or all firearms owned or possessed
49 where the willful failure to obey such order involves (i) the infliction
50 of serious physical injury, as defined in subdivision [~~nine~~] ten of
51 section 10.00 of the penal law, (ii) the use or threatened use of a
52 deadly weapon or dangerous instrument as those terms are defined in
53 subdivisions twelve and thirteen of section 10.00 of the penal law, or
54 (iii) behavior constituting any violent felony offense as defined in
55 section 70.02 of the penal law; or (iv) behavior constituting stalking
56 in the first degree as defined in section 120.60 of the penal law,

1 stalking in the second degree as defined in section 120.55 of the penal
2 law, stalking in the third degree as defined in section 120.50 of the
3 penal law or stalking in the fourth degree as defined in section 120.45
4 of such law; and

5 (b) the court may and, in the counties of Suffolk, Nassau, Kings,
6 Queens, Richmond, New York, Bronx and Westchester, shall where the court
7 finds a substantial risk that the respondent may use or threaten to use
8 a firearm unlawfully against the person or persons for whose protection
9 the order of protection was issued, (i) revoke any such existing license
10 possessed by the respondent, order the respondent ineligible for such a
11 license, whether or not the respondent possesses such a license, and
12 order the immediate surrender [~~pursuant to subparagraph (f) of paragraph~~
13 ~~one of subdivision a of section 265.20 and subdivision six of section~~
14 ~~400.05 of the penal law,~~] of any or all firearms owned or possessed or
15 (ii) suspend any such existing license possessed by the respondent,
16 order the respondent ineligible for such a license, and order the im-
17 mediate surrender of any or all firearms owned or possessed.

18 § 4. Section 846-a of the family court act, as amended by chapter 1 of
19 the laws of 2013, is amended to read as follows:

20 § 846-a. Powers on failure to obey order. If a respondent is brought
21 before the court for failure to obey any lawful order issued under this
22 article or an order of protection or, in the county of Suffolk, Nassau,
23 Kings, Queens, Richmond, New York, Bronx or Westchester, temporary order
24 of protection issued [~~pursuant to this act or issued~~] by a court of
25 competent jurisdiction of another state, territorial or tribal jurisdic-
26 tion and if, after hearing, the court is satisfied by competent proof
27 that the respondent has willfully failed to obey any such order, the
28 court may modify an existing order or, in the county of Suffolk, Nassau,
29 Kings, Queens, Richmond, New York, Bronx or Westchester, temporary order
30 of protection to add reasonable conditions of behavior to the existing
31 order, make a new order of protection in accordance with section eight
32 hundred forty-two of this part, may order the forfeiture of bail in a
33 manner consistent with article five hundred forty of the criminal proce-
34 dure law if bail has been ordered pursuant to this act, may order the
35 respondent to pay the petitioner's reasonable and necessary counsel fees
36 in connection with the violation petition where the court finds that the
37 violation of its order was willful, and may commit the respondent to
38 jail for a term not to exceed six months. Such commitment may be served
39 upon certain specified days or parts of days as the court may direct,
40 and the court may, at any time within the term of such sentence, revoke
41 such suspension and commit the respondent for the remainder of the
42 original sentence, or suspend the remainder of such sentence. If the
43 court determines that the willful failure to obey such order involves
44 violent behavior constituting the crimes of menacing, reckless endanger-
45 ment, assault or attempted assault and if such a respondent is licensed
46 to carry, possess, repair and dispose of firearms pursuant to section
47 400.00 of the penal law, the court may also immediately revoke such
48 license and may arrange for the immediate surrender [~~pursuant to subpar-~~
49 ~~agraph (f) of paragraph one of subdivision a of section 265.20 and~~
50 ~~subdivision six of section 400.05 of the penal law,~~] and disposal of any
51 firearm such respondent owns or possesses. If the willful failure to
52 obey such order involves the infliction of serious physical injury as
53 defined in subdivision [~~nine~~] ten of section 10.00 of the penal law or
54 the use or threatened use of a deadly weapon or dangerous instrument, as
55 those terms are defined in subdivisions twelve and thirteen of section
56 10.00 of the penal law, such revocation and immediate surrender [~~pursu-~~

1 ~~ant to subparagraph (f) of paragraph one of subdivision a of section~~
2 ~~265.20 and subdivision six of section 400.05 of the penal law six~~] and
3 disposal of any firearm owned or possessed by respondent shall be manda-
4 tory, pursuant to subdivision eleven of section 400.00 of the penal law.

5 § 5. Section 446-a of the family court act, as added by chapter 1 of
6 the laws of 2013, is amended to read as follows:

7 § 446-a. Firearms; surrender and license suspension, revocation and
8 ineligibility; certain counties. [~~Open~~] In the counties of Suffolk,
9 Nassau, Kings, Queens, Richmond, New York, Bronx and Westchester, upon
10 the issuance of an order of protection or temporary order of protection,
11 or upon a violation of such order, the court shall make a determination
12 regarding the suspension and revocation of a license to carry, possess,
13 repair or dispose of a firearm or firearms, ineligibility for such a
14 license and the surrender of firearms in accordance with section eight
15 hundred forty-two-a of this act.

16 § 6. Section 552 of the family court act, as added by chapter 1 of the
17 laws of 2013, is amended to read as follows:

18 § 552. Firearms; surrender and license suspension, revocation and
19 ineligibility; certain counties. [~~Open~~] In the counties of Suffolk,
20 Nassau, Kings, Queens, Richmond, New York, Bronx and Westchester, upon
21 the issuance of an order of protection or temporary order of protection,
22 or upon a violation of such order, the court shall make a determination
23 regarding the suspension and revocation of a license to carry, possess,
24 repair or dispose of a firearm or firearms, ineligibility for such a
25 license and the surrender of firearms in accordance with section eight
26 hundred forty-two-a of this act.

27 § 7. Section 656-a of the family court act, as added by chapter 1 of
28 the laws of 2013, is amended to read as follows:

29 § 656-a. Firearms; surrender and license suspension, revocation and
30 ineligibility; certain counties. [~~Open~~] In the counties of Suffolk,
31 Nassau, Kings, Queens, Richmond, New York, Bronx and Westchester, upon
32 the issuance of an order of protection or temporary order of protection,
33 or upon a violation of such order, the court shall make a determination
34 regarding the suspension and revocation of a license to carry, possess,
35 repair or dispose of a firearm or firearms, ineligibility for such a
36 license and the surrender of firearms in accordance with section eight
37 hundred forty-two-a of this act.

38 § 8. Section 780-a of the family court act, as added by chapter 1 of
39 the laws of 2013, is amended to read as follows:

40 § 780-a. Firearms; surrender and license suspension, revocation and
41 ineligibility; certain counties. [~~Open~~] In the counties of Suffolk,
42 Nassau, Kings, Queens, Richmond, New York, Bronx and Westchester, upon
43 the issuance of an order of protection or temporary order of protection,
44 or upon a violation of such order, the court shall make a determination
45 regarding the suspension and revocation of a license to carry, possess,
46 repair or dispose of a firearm or firearms, ineligibility for such a
47 license and the surrender of firearms in accordance with section eight
48 hundred forty-two-a of this act.

49 § 9. Section 1056-a of the family court act, as added by chapter 1 of
50 the laws of 2013, is amended to read as follows:

51 § 1056-a. Firearms; surrender and license suspension, revocation and
52 ineligibility; certain counties. [~~Open~~] In the counties of Suffolk,
53 Nassau, Kings, Queens, Richmond, New York, Bronx and Westchester, upon
54 the issuance of an order of protection or temporary order of protection,
55 or upon a violation of such order, the court shall make an order in
56 accordance with section eight hundred forty-two-a of this act.

1 § 10. Paragraph h of subdivision 3 of section 240 of the domestic
2 relations law, as amended by chapter 1 of the laws of 2013, is amended
3 to read as follows:

4 h. Upon issuance of an order of protection or temporary order of
5 protection or upon a violation of such order, the court may and, in the
6 counties of Suffolk, Nassau, Kings, Queens, Richmond, New York, Bronx
7 and Westchester, shall make a determination regarding the suspension and
8 revocation of a license to carry, possess, repair or dispose of a
9 firearm or firearms, ineligibility for such a license and the surrender
10 of firearms in accordance with sections eight hundred forty-two-a and
11 eight hundred forty-six-a of the family court act, as applicable. Upon
12 issuance of an order of protection pursuant to this section or upon a
13 finding of a violation thereof, the court also may direct payment of
14 restitution in an amount not to exceed ten thousand dollars in accord-
15 ance with subdivision (e) of section eight hundred forty-one of such
16 act; provided, however, that in no case shall an order of restitution be
17 issued where the court determines that the party against whom the order
18 would be issued has already compensated the injured party or where such
19 compensation is incorporated in a final judgment or settlement of the
20 action.

21 § 11. Subdivision 9 of section 252 of the domestic relations law, as
22 amended by chapter 1 of the laws of 2013, is amended to read as follows:

23 9. Upon issuance of an order of protection or temporary order of
24 protection or upon a violation of such order, the court may and, in the
25 counties of Suffolk, Nassau, Kings, Queens, Richmond, New York, Bronx
26 and Westchester, shall make a determination regarding the suspension and
27 revocation of a license to carry, possess, repair or dispose of a
28 firearm or firearms, ineligibility for such a license and the surrender
29 of firearms in accordance with sections eight hundred forty-two-a and
30 eight hundred forty-six-a of the family court act, as applicable. Upon
31 issuance of an order of protection pursuant to this section or upon a
32 finding of a violation thereof, the court also may direct payment of
33 restitution in an amount not to exceed ten thousand dollars in accord-
34 ance with subdivision (e) of section eight hundred forty-one of such
35 act; provided, however, that in no case shall an order of restitution be
36 issued where the court determines that the party against whom the order
37 would be issued has already compensated the injured party or where such
38 compensation is incorporated in a final judgment or settlement of the
39 action.

40 § 12. The opening paragraph and paragraph (b) of subdivision 1 of
41 section 530.14 of the criminal procedure law, as amended by chapter 1 of
42 the laws of 2013, are amended to read as follows:

43 [~~Suspension~~] Mandatory and permissive suspension of firearms license
44 and ineligibility for such a license upon issuance of temporary order of
45 protection. Whenever a temporary order of protection is issued pursuant
46 to subdivision one of section 530.12 or subdivision one of section
47 530.13 of this article:

48 (b) the court may and, in the counties of Suffolk, Nassau, Kings,
49 Queens, Richmond, New York, Bronx and Westchester, shall where the court
50 finds a substantial risk that the defendant may use or threaten to use a
51 firearm unlawfully against the person or persons for whose protection
52 the temporary order of protection is issued, suspend any such existing
53 license possessed by the defendant, order the defendant ineligible for
54 such a license and order the immediate surrender [~~pursuant to subpara-~~
55 ~~graph (f) of paragraph one of subdivision a of section 265.20 and subdi-~~

1 ~~vision six of section 400.05 of the penal law,~~] of any or all firearms
2 owned or possessed.

3 § 13. The opening paragraph and paragraph (b) of subdivision 2 of
4 section 530.14 of the criminal procedure law, as amended by chapter 1 of
5 the laws of 2013, are amended to read as follows:

6 [~~Revocation~~] Mandatory and permissive revocation or suspension of
7 firearms license and ineligibility for such a license upon issuance of
8 an order of protection. Whenever an order of protection is issued pursu-
9 ant to subdivision five of section 530.12 or subdivision four of section
10 530.13 of this article:

11 (b) the court may and, in the counties of Suffolk, Nassau, Kings,
12 Queens, Richmond, New York, Bronx and Westchester, shall where the court
13 finds a substantial risk that the defendant may use or threaten to use a
14 firearm unlawfully against the person or persons for whose protection
15 the order of protection is issued, (i) revoke any such existing license
16 possessed by the defendant, order the defendant ineligible for such a
17 license and order the immediate surrender of any or all firearms owned
18 or possessed or (ii) suspend or continue to suspend any such existing
19 license possessed by the defendant, order the defendant ineligible for
20 such a license and order the immediate surrender [~~pursuant to subpara-~~
21 ~~graph (f) of paragraph one of subdivision a of section 265.20 and subdi-~~
22 ~~vision six of section 400.05 of the penal law,~~] of any or all firearms
23 owned or possessed.

24 § 14. The opening paragraph and paragraph (b) of subdivision 3 of
25 section 530.14 of the criminal procedure law, as amended by chapter 1 of
26 the laws of 2013, are amended to read as follows:

27 [~~Revocation~~] Mandatory and permissive revocation or suspension of
28 firearms license and ineligibility for such a license upon a finding of
29 a willful failure to obey an order of protection. Whenever a defendant
30 has been found pursuant to subdivision eleven of section 530.12 or
31 subdivision eight of section 530.13 of this article to have willfully
32 failed to obey an order of protection issued by a court of competent
33 jurisdiction in this state or another state, territorial or tribal
34 jurisdiction, in addition to any other remedies available pursuant to
35 subdivision eleven of section 530.12 or subdivision eight of section
36 530.13 of this article:

37 (b) the court may and, in the counties of Suffolk, Nassau, Kings,
38 Queens, Richmond, New York, Bronx and Westchester, shall where the court
39 finds a substantial risk that the defendant may use or threaten to use a
40 firearm unlawfully against the person or persons for whose protection
41 the order of protection was issued, (i) revoke any such existing license
42 possessed by the defendant, order the defendant ineligible for such a
43 license and order the immediate surrender [~~pursuant to subparagraph (f)~~
44 ~~of paragraph one of subdivision a of section 265.20 and subdivision six~~
45 ~~of section 400.05 of the penal law,~~] of any or all firearms owned or
46 possessed or (ii) suspend any such existing license possessed by the
47 defendant, order the defendant ineligible for such a license and order
48 the immediate surrender [~~pursuant to subparagraph (f) of paragraph one~~
49 ~~of subdivision a of section 265.20 and subdivision six of section 400.05~~
50 ~~of the penal law,~~] of any or all firearms owned or possessed.

51 § 15. The article heading of article 39-DDD of the general business
52 law, as added by chapter 1 of the laws of 2013, is amended to read as
53 follows:

54 PRIVATE SALE OR DISPOSAL OF FIREARMS, RIFLES AND SHOTGUNS
55 IN CERTAIN COUNTIES

1 § 16. Subdivision 1 of section 898 of the general business law, as
2 added by chapter 1 of the laws of 2013, is amended to read as follows:

3 1. In addition to any other requirements pursuant to state and federal
4 law, all sales, exchanges or disposals of firearms, rifles or shotguns,
5 in the counties of Suffolk, Nassau, Kings, Queens, Richmond, New York,
6 Bronx and Westchester, shall be conducted in accordance with this
7 section unless such sale, exchange or disposal is conducted by a
8 licensed importer, licensed manufacturer or licensed dealer, as those
9 terms are defined in 18 USC § 922, when such sale, exchange or disposal
10 is conducted pursuant to that person's federal firearms license or such
11 sale, exchange or disposal is between members of an immediate family.
12 For purposes of this section, "immediate family" shall mean spouses,
13 domestic partners, children and step-children.

14 § 17. Paragraph (q) of subdivision 2 of section 212 of the judiciary
15 law, as amended by chapter 1 of the laws of 2013, is amended to read as
16 follows:

17 (q) Adopt rules to require transmission, to the criminal justice
18 information services division of the federal bureau of investigation or
19 to the division of criminal justice services, of the name and other
20 identifying information of each person who has a guardian appointed for
21 him or her pursuant to any provision of state law, based on a determi-
22 nation that as a result of marked subnormal intelligence, mental
23 illness, incapacity, condition or disease, he or she lacks the mental
24 capacity to contract or manage his or her own affairs. Any such records,
25 relating to persons residing in the county of Suffolk, Nassau, Kings,
26 Queens, Richmond, New York, Bronx or Westchester, transmitted directly
27 to the federal bureau of investigation must also be transmitted to the
28 division of criminal justice services [~~and any records received by the~~
29 ~~division of criminal justice services pursuant to this paragraph may be~~
30 ~~checked against the statewide license and record database~~].

31 § 18. Subdivision (j) of section 7.09 of the mental hygiene law, as
32 amended by chapter 1 of the laws of 2013, is amended to read as follows:

33 (j) (1) The commissioner, in cooperation with other applicable state
34 agencies, shall collect, retain or modify data or records, and shall
35 transmit such data or records: (i) to the division of criminal justice
36 services, or to the criminal justice information services division of
37 the federal bureau of investigation, for the purposes of responding to
38 queries to the national instant criminal background check system regard-
39 ing attempts to purchase or otherwise take possession of firearms, as
40 defined in 18 USC 921(a)(3), in accordance with applicable federal laws
41 or regulations, or (ii) for persons residing in the county of Suffolk,
42 Nassau, Kings, Queens, Richmond, New York, Bronx or Westchester, to the
43 division of criminal justice services, which may re-disclose such data
44 and records only for determining whether a license issued pursuant to
45 section 400.00 of the penal law should be denied, suspended or revoked,
46 under subdivision eleven of such section, or for determining whether a
47 person is no longer permitted under federal or state law to possess a
48 firearm. Such records, which may not be used for any other purpose,
49 shall include only names and other non-clinical identifying information
50 of persons who have been involuntarily committed to a hospital pursuant
51 to article nine of this chapter, [~~or section four hundred two or subdi-~~
52 ~~vision two of section five hundred eight of the correction law,~~] or
53 article seven hundred thirty or section 330.20 of the criminal procedure
54 law or sections 322.2 or 353.4 of the family court act, or to a secure
55 treatment facility pursuant to article ten of this chapter.

1 (2) The commissioner shall establish within the office of mental
2 health an administrative process to permit a person who has been or may
3 be disqualified from possessing such a firearm pursuant to 18 USC
4 922(4)(d) or who has been or may be disqualified from continuing to have
5 a license to carry, possess, repair, or dispose of a firearm under
6 section 400.00 of the penal law because such person, who resides in the
7 county of Suffolk, Nassau, Kings, Queens, Richmond, New York, Bronx or
8 Westchester, was involuntarily committed or civilly confined to a facil-
9 ity under the jurisdiction of the commissioner, to petition for relief
10 from that disability where such person's record and reputation are such
11 that such person will not be likely to act in a manner dangerous to
12 public safety and where the granting of the relief would not be contrary
13 to public safety. The commissioner shall promulgate regulations to
14 establish the relief from disabilities program, which shall include, but
15 not be limited to, provisions providing for: (i) an opportunity for a
16 disqualified person to petition for relief in writing; (ii) the authori-
17 ty for the agency to require that the petitioner undergo a clinical
18 evaluation and risk assessment; and (iii) a requirement that the agency
19 issue a decision in writing explaining the reasons for a denial or grant
20 of relief. The denial of a petition for relief from disabilities may be
21 reviewed de novo pursuant to the proceedings under article seventy-eight
22 of the civil practice law and rules.

23 § 19. Subdivision (b) of section 9.46 of the mental hygiene law, as
24 added by chapter 1 of the laws of 2013, is amended to read as follows:

25 (b) Notwithstanding any other law to the contrary, when a mental
26 health professional currently providing treatment services to a person,
27 who resides in the county of Suffolk, Nassau, Kings, Queens, Richmond,
28 New York, Bronx or Westchester, determines, in the exercise of reason-
29 able professional judgment, that such person is likely to engage in
30 conduct that would result in serious harm to self or others, he or she
31 shall be required to report, as soon as practicable, to the director of
32 community services, or the director's designee, who shall report to the
33 division of criminal justice services whenever he or she agrees that the
34 person is likely to engage in such conduct. Information transmitted to
35 the division of criminal justice services shall be limited to names and
36 other non-clinical identifying information, which may only be used for
37 determining whether a license issued pursuant to section 400.00 of the
38 penal law should be suspended or revoked, or for determining whether a
39 person is ineligible for a license issued pursuant to section 400.00 of
40 the penal law, or is no longer permitted under state or federal law to
41 possess a firearm.

42 § 20. Subdivision 22 of section 265.00 of the penal law, as amended by
43 chapter 1 of the laws of 2013, is amended to read as follows:

44 22. "Assault weapon" means

45 (a) (i) except as otherwise provided in paragraph (b) of this subdivi-
46 sion, a semiautomatic rifle that has an ability to accept a detachable
47 magazine and has at least two of the following characteristics:

48 (A) a folding or telescoping stock;

49 (B) a pistol grip that protrudes conspicuously beneath the action of
50 the weapon;

51 (C) a bayonet mount;

52 (D) a flash suppressor or threaded barrel designed to accommodate a
53 flash suppressor;

54 (E) a grenade launcher; or

55 (ii) a semiautomatic shotgun that has at least two of the following
56 characteristics:

1 (A) a folding or telescoping stock;
2 (B) a pistol grip that protrudes conspicuously beneath the action of
3 the weapon;
4 (C) a fixed magazine capacity in excess of five rounds;
5 (D) an ability to accept a detachable magazine; or
6 (iii) a semiautomatic pistol that has an ability to accept a detachable
7 magazine and has at least two of the following characteristics:
8 (A) an ammunition magazine that attaches to the pistol outside of the
9 pistol grip;
10 (B) a threaded barrel capable of accepting a barrel extender, flash
11 suppressor, forward handgrip, or silencer;
12 (C) a shroud that is attached to, or partially or completely encir-
13 cles, the barrel and that permits the shooter to hold the firearm with
14 the nontrigger hand without being burned;
15 (D) a manufactured weight of fifty ounces or more when the pistol is
16 unloaded;
17 (E) a semiautomatic version of an automatic rifle, shotgun or firearm;
18 or
19 (iv) any of the weapons, or functioning frames or receivers of such
20 weapons, or copies or duplicates of such weapons, in any caliber, known
21 as:
22 (A) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all
23 models);
24 (B) Action Arms Israeli Military Industries UZI and Galil;
25 (C) Beretta Ar70 (SC-70);
26 (D) Colt AR-15;
27 (E) Fabrique National FN/FAL, FN/LAR, and FNC;
28 (F) SWD M-10, M-11, M-11/9, and M-12;
29 (G) Steyr AUG;
30 (H) INTRATEC TEC-9, TEC-DC9 and TEC-22; and
31 (I) revolving cylinder shotguns, such as (or similar to) the Street
32 Sweeper and Striker 12;
33 (v) provided, however, that such term does not include: (A) any rifle,
34 shotgun or pistol that (I) is manually operated by bolt, pump, lever or
35 slide action; (II) has been rendered permanently inoperable; or (III) is
36 an antique firearm as defined in 18 U.S.C. 921(a)(16);
37 (B) a semiautomatic rifle that cannot accept a detachable magazine
38 that holds more than five rounds of ammunition;
39 (C) a semiautomatic shotgun that cannot hold more than five rounds of
40 ammunition in a fixed or detachable magazine;
41 (D) a rifle, shotgun or pistol, or a replica or a duplicate thereof,
42 specified in Appendix A to section 922 of 18 U.S.C. as such weapon was
43 manufactured on October first, nineteen hundred ninety-three. The mere
44 fact that a weapon is not listed in Appendix A shall not be construed to
45 mean that such weapon is an assault weapon; or
46 (E) a semiautomatic rifle, a semiautomatic shotgun or a semiautomatic
47 pistol or any of the weapons defined in paragraph (d) of this subdivi-
48 sion lawfully possessed prior to September fourteenth, nineteen hundred
49 ninety-four.
50 (b) (i) in the counties of Suffolk, Nassau, Kings, Queens, Richmond,
51 New York, Bronx and Westchester, a semiautomatic rifle that has an abil-
52 ity to accept a detachable magazine and has at least one of the follow-
53 ing characteristics:
54 [~~(i)~~] (A) a folding or telescoping stock;
55 [~~(i)~~] (B) a pistol grip that protrudes conspicuously beneath the
56 action of the weapon;

1 [~~(iii)~~] **(C)** a thumbhole stock;

2 [~~(iv)~~] **(D)** a second handgrip or a protruding grip that can be held by

3 the non-trigger hand;

4 [~~(v)~~] **(E)** a bayonet mount;

5 [~~(vi)~~] **(F)** a flash suppressor, muzzle break, muzzle compensator, or

6 threaded barrel designed to accommodate a flash suppressor, muzzle

7 break, or muzzle compensator;

8 [~~(vii)~~] **(G)** a grenade launcher; or

9 [~~(b)~~] **(ii)** a semiautomatic shotgun that has at least one of the

10 following characteristics:

11 [~~(i)~~] **(A)** a folding or telescoping stock;

12 [~~(ii)~~] **(B)** a thumbhole stock;

13 [~~(iii)~~] **(C)** a second handgrip or a protruding grip that can be held by

14 the non-trigger hand;

15 [~~(iv)~~] **(D)** a fixed magazine capacity in excess of seven rounds;

16 [~~(v)~~] **(E)** an ability to accept a detachable magazine; or

17 [~~(e)~~] **(iii)** a semiautomatic pistol that has an ability to accept a

18 detachable magazine and has at least one of the following character-

19 istics:

20 [~~(i)~~] **(A)** a folding or telescoping stock;

21 [~~(ii)~~] **(B)** a thumbhole stock;

22 [~~(iii)~~] **(C)** a second handgrip or a protruding grip that can be held by

23 the non-trigger hand;

24 [~~(iv)~~] **(D)** capacity to accept an ammunition magazine that attaches to

25 the pistol outside of the pistol grip;

26 [~~(v)~~] **(E)** a threaded barrel capable of accepting a barrel extender,

27 flash suppressor, forward handgrip, or silencer;

28 [~~(vi)~~] **(F)** a shroud that is attached to, or partially or completely

29 encircles, the barrel and that permits the shooter to hold the firearm

30 with the non-trigger hand without being burned;

31 [~~(vii)~~] **(G)** a manufactured weight of fifty ounces or more when the

32 pistol is unloaded; or

33 [~~(viii)~~] **(H)** a semiautomatic version of an automatic rifle, shotgun or

34 firearm;

35 [~~(d)~~] **(iv)** a revolving cylinder shotgun;

36 [~~(e)~~] **(v)** a semiautomatic rifle, a semiautomatic shotgun or a semiau-

37 tomatic pistol or weapon defined in subparagraph (v) of paragraph (e) of

38 subdivision twenty-two of section 265.00 of this chapter as added by

39 chapter one hundred eighty-nine of the laws of two thousand and other-

40 wise lawfully possessed pursuant to such chapter of the laws of two

41 thousand prior to September fourteenth, nineteen hundred ninety-four;

42 [~~(f)~~] **(vi)** a semiautomatic rifle, a semiautomatic shotgun or a semiau-

43 tomatic pistol or weapon defined in paragraph (a), (b) or (c) of this

44 subdivision, possessed prior to the date of enactment of the chapter of

45 the laws of two thousand thirteen which added this paragraph;

46 [~~(g)~~] **(vii)** provided, however, that such term does not include:

47 [~~(i)~~] **(A)** any rifle, shotgun or pistol that [~~(A)~~] **(I)** is manually

48 operated by bolt, pump, lever or slide action; [~~(B)~~] **(II)** has been

49 rendered permanently inoperable; or [~~(C)~~] **(III)** is an antique firearm as

50 defined in 18 U.S.C. 921(a)(16);

51 [~~(ii)~~] **(B)** a semiautomatic rifle that cannot accept a detachable maga-

52 zine that holds more than five rounds of ammunition;

53 [~~(iii)~~] **(C)** a semiautomatic shotgun that cannot hold more than five

54 rounds of ammunition in a fixed or detachable magazine; or

55 [~~(iv)~~] **(D)** a rifle, shotgun or pistol, or a replica or a duplicate

56 thereof, specified in Appendix A to 18 U.S.C. 922 as such weapon was

1 manufactured on October first, nineteen hundred ninety-three. The mere
2 fact that a weapon is not listed in Appendix A shall not be construed to
3 mean that such weapon is an assault weapon;

4 [~~(v)~~] (E) any weapon validly registered pursuant to subdivision
5 sixteen-a of section 400.00 of this chapter. Such weapons shall be
6 subject to the provisions of [~~paragraph (h)~~] subparagraph (viii) of this
7 [~~subdivision~~] paragraph;

8 [~~(vi)~~] (F) any firearm, rifle, or shotgun that was manufactured at
9 least fifty years prior to the current date, but not including replicas
10 thereof that is validly registered pursuant to subdivision sixteen-a of
11 section 400.00 of this chapter;

12 [~~(h)~~] (viii) Any weapon defined in [~~paragraph (e) or (f)~~] subparagraph
13 (v) or (vi) of this [~~subdivision~~] paragraph and any large capacity ammu-
14 nition feeding device that was legally possessed by an individual prior
15 to the enactment of [~~the~~] chapter one of the laws of two thousand thir-
16 teen which added this paragraph, may only be sold to, exchanged with or
17 disposed of to a purchaser authorized to possess such weapons or to an
18 individual or entity outside of the state provided that any such trans-
19 fer to an individual or entity outside of the state must be reported to
20 the entity wherein the weapon is registered within seventy-two hours of
21 such transfer. An individual who transfers any such weapon or large
22 capacity ammunition device to an individual inside New York state or
23 without complying with the provisions of this paragraph shall be guilty
24 of a class A misdemeanor unless such large capacity ammunition feeding
25 device, the possession of which is made illegal by [~~the~~] chapter one of
26 the laws of two thousand thirteen which added this [~~paragraph~~] subpara-
27 graph, is transferred within one year of the effective date of [~~the~~]
28 chapter one of the laws of two thousand thirteen which added this [~~para-
29 graph] subparagraph.~~

30 § 21. Subdivision 23 of section 265.00 of the penal law, as amended by
31 chapter 1 of the laws of 2013, is amended to read as follows:

32 23. "Large capacity ammunition feeding device" means a magazine, belt,
33 drum, feed strip, or similar device, manufactured after September thir-
34 tieth, nineteen hundred ninety-four, that [~~(a)~~] has a capacity of, or
35 that can be readily restored or converted to accept, more than ten
36 rounds of ammunition[, ~~or (b) contains more than seven rounds of ammu-~~
37 ~~tion, or (c) is obtained after the effective date of the chapter of the~~
38 ~~laws of two thousand thirteen which amended this subdivision and has a~~
39 ~~capacity of, or that can be readily restored or converted to accept,~~
40 ~~more than seven rounds of ammunition~~]; provided, however, that such term
41 does not include an attached tubular device designed to accept, and
42 capable of operating only with, .22 caliber rimfire ammunition [~~or a~~
43 ~~feeding device that is a curio or relic. A feeding device that is a~~
44 ~~curio or relic is defined as a device that (i) was manufactured at least~~
45 ~~fifty years prior to the current date, (ii) is only capable of being~~
46 ~~used exclusively in a firearm, rifle, or shotgun that was manufactured~~
47 ~~at least fifty years prior to the current date, but not including repli-~~
48 ~~cas thereof, (iii) is possessed by an individual who is not prohibited~~
49 ~~by state or federal law from possessing a firearm and (iv) is registered~~
50 ~~with the division of state police pursuant to subdivision sixteen-a of~~
51 ~~section 400.00 of this chapter, except such feeding devices transferred~~
52 ~~into the state may be registered at any time, provided they are regis-~~
53 ~~tered within thirty days of their transfer into the state. Notwithstand-~~
54 ~~ing paragraph (h) of subdivision twenty-two of this section, such feed-~~
55 ~~ing devices may be transferred provided that such transfer shall be~~

1 ~~subject to the provisions of section 400.03 of this chapter including~~
2 ~~the check required to be conducted pursuant to such section~~].

3 § 22. Subdivision 24 of section 265.00 of the penal law, as added by
4 chapter 1 of the laws of 2013, is amended to read as follows:

5 24. "Seller of ammunition" means any person, firm, partnership, corpo-
6 ration or company who engages in the business of purchasing, selling or
7 keeping ammunition in the county of Suffolk, Nassau, Kings, Queens,
8 Richmond, New York, Bronx or Westchester.

9 § 23. The opening paragraph of section 265.01-b of the penal law, as
10 added by chapter 1 of the laws of 2013, is amended to read as follows:

11 A person is guilty of criminal possession of a firearm when he or she,
12 being a resident of the county of Suffolk, Nassau, Kings, Queens, Rich-
13 mond, New York, Bronx or Westchester: (1) possesses any firearm or; (2)
14 lawfully possesses a firearm prior to the effective date of [~~the~~] chap-
15 ter one of the laws of two thousand thirteen which added this section
16 subject to the registration requirements of subdivision sixteen-a of
17 section 400.00 of this chapter and knowingly fails to register such
18 firearm pursuant to such subdivision.

19 § 24. Paragraphs 3 and 7-f of subdivision a of section 265.20 of the
20 penal law, paragraph 3 as amended and paragraph 7-f as added by chapter
21 1 of the laws of 2013, are amended to read as follows:

22 3. Possession of a pistol or revolver by a person to whom a license
23 therefor has been issued as provided under section 400.00 or 400.01 of
24 this chapter or possession, in the county of Suffolk, Nassau, Kings,
25 Queens, Richmond, New York, Bronx or Westchester, of a weapon as defined
26 in subparagraph (v) or (vi) of paragraph [~~(e) or (f)~~] (b) of subdivision
27 twenty-two of section 265.00 of this article which is registered pursu-
28 ant to paragraph (a) of subdivision sixteen-a of section 400.00 of this
29 chapter or is included on an amended license issued pursuant to section
30 400.00 of this chapter. In the event such license is revoked, other than
31 because such licensee is no longer permitted to possess a firearm, rifle
32 or shotgun under federal or state law, information sufficient to satisfy
33 the requirements of subdivision sixteen-a of section 400.00 of this
34 chapter, shall be transmitted by the licensing officer to the division
35 of state police, in a form as determined by the superintendent of state
36 police. Such transmission shall constitute a valid registration under
37 such section. Further provided, notwithstanding any other section of
38 this title, a failure to register such weapon by an individual, in the
39 county of Suffolk, Nassau, Kings, Queens, Richmond, New York, Bronx or
40 Westchester, who possesses such weapon before the enactment of [~~the~~]
41 chapter one of the laws of two thousand thirteen which amended this
42 paragraph and may so lawfully possess it thereafter upon registration,
43 shall only be subject to punishment pursuant to paragraph (c) of subdivi-
44 sion sixteen-a of section 400.00 of this chapter; provided, that such
45 a license or registration shall not preclude a conviction for the
46 offense defined in subdivision three of section 265.01 of this article
47 or section 265.01-a of this article.

48 7-f. Possession and use of a magazine, belt, feed strip or similar
49 device, in the county of Suffolk, Nassau, Kings, Queens, Richmond, New
50 York, Bronx or Westchester, that contains more than seven rounds of
51 ammunition, but that does not have a capacity of or can readily be
52 restored or converted to accept more than ten rounds of ammunition, at
53 an indoor or outdoor firing range located in or on premises owned or
54 occupied by a duly incorporated organization organized for conservation
55 purposes or to foster proficiency in arms; at an indoor or outdoor
56 firing range for the purpose of firing a rifle or shotgun; at a collegi-

1 ate, olympic or target shooting competition under the auspices of or
2 approved by the national rifle association; or at an organized match
3 sanctioned by the International Handgun Metallic Silhouette Association.

4 § 25. The opening paragraph of section 265.36 of the penal law, as
5 added by chapter 1 of the laws of 2013, is amended to read as follows:

6 It shall be unlawful for a person, in the county of Suffolk, Nassau,
7 Kings, Queens, Richmond, New York, Bronx or Westchester, to knowingly
8 possess a large capacity ammunition feeding device manufactured before
9 September thirteenth, nineteen hundred ninety-four, and if such person
10 lawfully possessed such large capacity feeding device before the effec-
11 tive date of [~~the~~] chapter one of the laws of two thousand thirteen
12 which added this section, that has a capacity of, or that can be readily
13 restored or converted to accept, more than ten rounds of ammunition.

14 § 26. The opening paragraph of section 265.37 of the penal law, as
15 amended by section 2 of part FF of chapter 57 of the laws of 2013, is
16 amended to read as follows:

17 It shall be unlawful for a person to knowingly possess, in the county
18 of Suffolk, Nassau, Kings, Queens, Richmond, New York, Bronx or West-
19 chester, an ammunition feeding device where such device contains more
20 than seven rounds of ammunition.

21 § 27. The opening paragraph of section 265.45 of the penal law, as
22 amended by section 3 of part FF of chapter 57 of the laws of 2013, is
23 amended to read as follows:

24 No person, residing in the county of Suffolk, Nassau, Kings, Queens,
25 Richmond, New York, Bronx or Westchester, who owns or is custodian of a
26 rifle, shotgun or firearm who resides with an individual who such person
27 knows or has reason to know is prohibited from possessing a firearm
28 pursuant to 18 U.S.C. § 922(g) (1), (4), (8) or (9) shall store or
29 otherwise leave such rifle, shotgun or firearm out of his or her immedi-
30 ate possession or control without having first securely locked such
31 rifle, shotgun or firearm in an appropriate safe storage depository or
32 rendered it incapable of being fired by use of a gun locking device
33 appropriate to that weapon. For purposes of this section "safe storage
34 depository" shall mean a safe or other secure container which, when
35 locked, is incapable of being opened without the key, combination or
36 other unlocking mechanism and is capable of preventing an unauthorized
37 person from obtaining access to and possession of the weapon contained
38 therein. With respect to a person who is prohibited from possessing a
39 firearm pursuant to 18 USC § 922(g)(9), for purposes of this section,
40 this section applies only if such person has been convicted of a crime
41 included in subdivision one of section 370.15 of the criminal procedure
42 law and such gun is possessed within five years from the later of the
43 date of conviction or completion of sentence. Nothing in this section
44 shall be deemed to affect, impair or supersede any special or local act
45 relating to the safe storage of rifles, shotguns or firearms which
46 impose additional requirements on the owner or custodian of such weap-
47 ons.

48 § 28. Subdivision 1 of section 400.00 of the penal law, as amended by
49 chapter 1 of the laws of 2013, is amended to read as follows:

50 1. Eligibility. No license shall be issued or renewed pursuant to this
51 section except by the licensing officer, and then only after investi-
52 gation and finding that all statements in a proper application for a
53 license are true. No license shall be issued or renewed except for an
54 applicant (a) twenty-one years of age or older, provided, however, that
55 where such applicant has been honorably discharged from the United
56 States army, navy, marine corps, air force or coast guard, or the

1 national guard of the state of New York, no such age restriction shall
2 apply; (b) of good moral character; (c) who has not been convicted
3 anywhere of a felony or a serious offense; (d) who is not a fugitive
4 from justice; (e) who is not an unlawful user of or addicted to any
5 controlled substance as defined in section 21 U.S.C. 802; (f) who being
6 an alien (i) is not illegally or unlawfully in the United States or (ii)
7 has not been admitted to the United States under a nonimmigrant visa
8 subject to the exception in 18 U.S.C. 922(y)(2); (g) who has not been
9 discharged from the Armed Forces under dishonorable conditions; (h) who,
10 having been a citizen of the United States, has not renounced his or her
11 citizenship; (i) who has stated whether he or she has ever suffered any
12 mental illness; (j) who, being a resident of the county of Suffolk,
13 Nassau, Kings, Queens, Richmond, New York, Bronx or Westchester, has not
14 been involuntarily committed to a facility under the jurisdiction of an
15 office of the department of mental hygiene pursuant to article nine or
16 fifteen of the mental hygiene law, article seven hundred thirty or
17 section 330.20 of the criminal procedure law, section four hundred two
18 or five hundred eight of the correction law, section 322.2 or 353.4 of
19 the family court act, or has not been civilly confined in a secure
20 treatment facility pursuant to article ten of the mental hygiene law;
21 (k) who has not had a license revoked or who is not under a suspension
22 or ineligibility order issued pursuant to the provisions of section
23 530.14 of the criminal procedure law or section eight hundred
24 forty-two-a of the family court act; (l) in the county of Westchester,
25 who has successfully completed a firearms safety course and test as
26 evidenced by a certificate of completion issued in his or her name and
27 endorsed and affirmed under the penalties of perjury by a duly author-
28 ized instructor, except that: (i) persons who are honorably discharged
29 from the United States army, navy, marine corps or coast guard, or of
30 the national guard of the state of New York, and produce evidence of
31 official qualification in firearms during the term of service are not
32 required to have completed those hours of a firearms safety course
33 pertaining to the safe use, carrying, possession, maintenance and stor-
34 age of a firearm; and (ii) persons who were licensed to possess a pistol
35 or revolver prior to the effective date of this paragraph are not
36 required to have completed a firearms safety course and test; (m) who,
37 being a resident of the county of Suffolk, Nassau, Kings, Rich-
38 mond, New York, Bronx or Westchester, has not had a guardian appointed
39 for him or her pursuant to any provision of state law, based on a deter-
40 mination that as a result of marked subnormal intelligence, mental
41 illness, incapacity, condition or disease, he or she lacks the mental
42 capacity to contract or manage his or her own affairs; and (n) concern-
43 ing whom no good cause exists for the denial of the license. No person
44 shall engage in the business of gunsmith or dealer in firearms unless
45 licensed pursuant to this section. An applicant to engage in such busi-
46 ness shall also be a citizen of the United States, more than twenty-one
47 years of age and maintain a place of business in the city or county
48 where the license is issued. For such business, if the applicant is a
49 firm or partnership, each member thereof shall comply with all of the
50 requirements set forth in this subdivision and if the applicant is a
51 corporation, each officer thereof shall so comply.

52 § 29. Subdivisions 4, 5, 10, 11 and 12 of section 400.00 of the penal
53 law, as amended by chapter 1 of the laws of 2013, are amended to read as
54 follows:

55 4. Investigation. Before a license is issued or renewed, there shall
56 be an investigation of all statements required in the application by the

1 duly constituted police authorities of the locality where such applica-
2 tion is made[~~, including but not limited to such records as may be~~
3 ~~accessible to the division of state police or division of criminal~~
4 ~~justice services pursuant to section 400.02 of this article~~]. For that
5 purpose, the records of the appropriate office of the department of
6 mental hygiene concerning previous or present mental illness of the
7 applicant shall be available for inspection by the investigating officer
8 of the police authority. In order to ascertain any previous criminal
9 record, the investigating officer shall take the fingerprints and phys-
10 ical descriptive data in quadruplicate of each individual by whom the
11 application is signed and verified. Two copies of such fingerprints
12 shall be taken on standard fingerprint cards eight inches square, and
13 one copy may be taken on a card supplied for that purpose by the federal
14 bureau of investigation; provided, however, that in the case of a corpo-
15 rate applicant that has already been issued a dealer in firearms license
16 and seeks to operate a firearm dealership at a second or subsequent
17 location, the original fingerprints on file may be used to ascertain any
18 criminal record in the second or subsequent application unless any of
19 the corporate officers have changed since the prior application, in
20 which case the new corporate officer shall comply with procedures
21 governing an initial application for such license. When completed, one
22 standard card shall be forwarded to and retained by the division of
23 criminal justice services in the executive department, at Albany. A
24 search of the files of such division and written notification of the
25 results of the search to the investigating officer shall be made without
26 unnecessary delay. Thereafter, such division shall notify the licensing
27 officer and the executive department, division of state police, Albany,
28 of any criminal record of the applicant filed therein subsequent to the
29 search of its files. A second standard card, or the one supplied by the
30 federal bureau of investigation, as the case may be, shall be forwarded
31 to that bureau at Washington with a request that the files of the bureau
32 be searched and notification of the results of the search be made to the
33 investigating police authority. Of the remaining two fingerprint cards,
34 one shall be filed with the executive department, division of state
35 police, Albany, within ten days after issuance of the license, and the
36 other remain on file with the investigating police authority. No such
37 fingerprints may be inspected by any person other than a peace officer,
38 who is acting pursuant to his special duties, or a police officer,
39 except on order of a judge or justice of a court of record either upon
40 notice to the licensee or without notice, as the judge or justice may
41 deem appropriate. Upon completion of the investigation, the police
42 authority shall report the results to the licensing officer without
43 unnecessary delay.

44 5. Filing of approved applications. (a) The application for any
45 license, if granted, shall be filed by the licensing officer with the
46 clerk of the county of issuance, except that in the city of New York
47 and, in the counties of Nassau and Suffolk, the licensing officer shall
48 designate the place of filing in the appropriate division, bureau or
49 unit of the police department thereof, and in the county of Suffolk the
50 county clerk is hereby authorized to transfer all records or applica-
51 tions relating to firearms to the licensing authority of that county.
52 Except as provided in paragraphs (b) through (f) of this subdivision,
53 the name and address of any person to whom an application for any
54 license has been granted shall be a public record. Upon application by a
55 licensee who has changed his place of residence such records or applica-
56 tions shall be transferred to the appropriate officer at the licensee's

1 new place of residence. A duplicate copy of such application shall be
2 filed by the licensing officer in the executive department, division of
3 state police, Albany, within ten days after issuance of the license. The
4 superintendent of state police may designate that such application shall
5 be transmitted to the division of state police electronically. In the
6 event the superintendent of the division of state police determines that
7 it lacks any of the records required to be filed with the division, it
8 may request that such records be provided to it by the appropriate
9 clerk, department or authority and such clerk, department or authority
10 shall provide the division with such records. In the event such clerk,
11 department or authority lacks such records, the division may request the
12 license holder provide information sufficient to constitute such record
13 and such license holder shall provide the division with such informa-
14 tion. Such information shall be limited to the license holder's name,
15 date of birth, gender, race, residential address, social security number
16 and firearms possessed by said license holder. Nothing in this subdivi-
17 sion shall be construed to change the expiration date or term of such
18 licenses if otherwise provided for in law. [~~Records assembled or
19 collected for purposes of inclusion in the database established by this
20 section shall be released pursuant to a court order. Records assembled
21 or collected for purposes of inclusion in the database created pursuant
22 to section 400.02 of this chapter shall not be subject to disclosure
23 pursuant to article six of the public officers law.~~]

24 (b) Each application for a license pursuant to paragraph (a) of this
25 subdivision shall include, on a separate written form prepared by the
26 division of state police within thirty days of the effective date of
27 [~~the~~] chapter one of the laws of two thousand thirteen, which amended
28 this section, and provided to the applicant at the same time and in the
29 same manner as the application for a license, an opportunity for the
30 applicant to request an exception from his or her application informa-
31 tion becoming public record pursuant to paragraph (a) of this subdivi-
32 sion. Such forms, which shall also be made available to individuals who
33 had applied for or been granted a license prior to the effective date of
34 [~~the~~] chapter one of the laws of two thousand thirteen which amended
35 this section, shall notify applicants that, upon discovery that an
36 applicant knowingly provided false information, such applicant may be
37 subject to penalties pursuant to section 175.30 of this chapter, and
38 further, that his or her request for an exception shall be null and
39 void, provided that written notice containing such determination is
40 provided to the applicant. Further, such forms shall provide each appli-
41 cant an opportunity to specify the grounds on which he or she believes
42 his or her application information should not be publicly disclosed.
43 These grounds, which shall be identified on the application with a box
44 beside each for checking, as applicable, by the applicant, shall be as
45 follows:

46 (i) the applicant's life or safety may be endangered by disclosure
47 because:

48 (A) the applicant is an active or retired police officer, peace offi-
49 cer, probation officer, parole officer, or corrections officer;

50 (B) the applicant is a protected person under a currently valid order
51 of protection;

52 (C) the applicant is or was a witness in a criminal proceeding involv-
53 ing a criminal charge;

54 (D) the applicant is participating or previously participated as a
55 juror in a criminal proceeding, or is or was a member of a grand jury;
56 or

1 (E) the applicant is a spouse, domestic partner or household member of
2 a person identified in this subparagraph or subparagraph (ii) of this
3 paragraph, specifying which subparagraph or subparagraphs and clauses
4 apply.

5 (ii) the applicant has reason to believe his or her life or safety may
6 be endangered by disclosure due to reasons stated by the applicant.

7 (iii) the applicant has reason to believe he or she may be subject to
8 unwarranted harassment upon disclosure of such information.

9 (c) Each form provided for recertification pursuant to paragraph (b)
10 of subdivision ten of this section shall include an opportunity for the
11 applicant to request an exception from the information provided on such
12 form becoming public record pursuant to paragraph (a) of this subdivi-
13 sion. Such forms shall notify applicants that, upon discovery that an
14 applicant knowingly provided false information, such applicant may be
15 subject to penalties pursuant to section 175.30 of this chapter, and
16 further, that his or her request for an exception shall be null and
17 void, provided that written notice containing such determination is
18 provided to the applicant. Further, such forms shall provide each appli-
19 cant an opportunity to either decline to request the grant or continua-
20 tion of an exception, or specify the grounds on which he or she believes
21 his or her information should not be publicly disclosed. These grounds,
22 which shall be identified in the application with a box beside each for
23 checking, as applicable, by the applicant, shall be the same as provided
24 in paragraph (b) of this subdivision.

25 (d) Information submitted on the forms described in paragraph (b) of
26 this subdivision shall be excepted from disclosure and maintained by the
27 entity retaining such information separate and apart from all other
28 records.

29 (e) (i) Upon receiving a request for exception from disclosure, the
30 licensing officer shall grant such exception, unless the request is
31 determined to be null and void, pursuant to paragraph (b) or (c) of this
32 subdivision.

33 (ii) A request for an exception from disclosure may be submitted at
34 any time, including after a license or recertification has been granted.

35 (iii) If an exception is sought and granted pursuant to paragraph (b)
36 of this subdivision, the application information shall not be public
37 record, unless the request is determined to be null and void. If an
38 exception is sought and granted pursuant to paragraph (c) of this subdivi-
39 sion, the information concerning such recertification application
40 shall not be public record, unless the request is determined to be null
41 and void.

42 (f) The information of licensees or applicants for a license shall not
43 be disclosed to the public during the first one hundred twenty days
44 following the effective date of [~~the~~] chapter **one** of the laws of two
45 thousand thirteen, which amended this section. After such period, the
46 information of those who had applied for or been granted a license prior
47 to the preparation of the form for requesting an exception, pursuant to
48 paragraph (b) of this subdivision, may be released only if such individ-
49 uals did not file a request for such an exception during the first sixty
50 days following such preparation; provided, however, that no information
51 contained in an application for licensure or recertification shall be
52 disclosed by an entity that has not completed processing any such
53 requests received during such sixty days.

54 (g) If a request for an exception is determined to be null and void
55 pursuant to paragraph (b) or (c) of this subdivision, an applicant may
56 request review of such determination pursuant to article seventy-eight

1 of the civil practice [~~laws~~] law and rules. Such proceeding must
2 commence within thirty days after service of the written notice contain-
3 ing the adverse determination. Notice of the right to commence such a
4 petition, and the time period therefor, shall be included in the notice
5 of the determination. Disclosure following such a petition shall not be
6 made prior to the disposition of such review.

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

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

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

11 11. License: revocation and suspension. (a) The conviction of a licen-
12 see anywhere of a felony or serious offense ~~[or a licensee at any time~~
13 ~~becoming ineligible to obtain a license under this section]~~ shall oper-
14 ate as a revocation of the license. A license may be revoked or
15 suspended as provided for in section 530.14 of the criminal procedure
16 law or section eight hundred forty-two-a of the family court act. Except
17 for a license issued pursuant to section 400.01 of this article, a
18 license may be revoked and cancelled at any time in the city of New
19 York, and in the counties of Nassau and Suffolk, by the licensing offi-
20 cer, and elsewhere than in the city of New York by any judge or justice
21 of a court of record; a license issued pursuant to section 400.01 of
22 this article may be revoked and cancelled at any time by the licensing
23 officer or any judge or justice of a court of record. The official
24 revoking a license shall give written notice thereof without unnecessary
25 delay to the executive department, division of state police, Albany, and
26 shall also notify immediately the duly constituted police authorities of
27 the locality.

28 (b) Whenever the director of community services in the county of
29 Suffolk, Nassau, Kings, Queens, Richmond, New York, Bronx and Westches-
30 ter, or his or her designee makes a report pursuant to section 9.46 of
31 the mental hygiene law, the division of criminal justice services shall
32 convey such information, whenever it determines that the person named in
33 the report possesses a license issued pursuant to this section, to the
34 appropriate licensing official, who shall issue an order suspending or
35 revoking such license.

36 (c) In any instance in which a person's license is suspended or
37 revoked under paragraph (a) or (b) of this subdivision, such person
38 shall surrender such license to the appropriate licensing official and
39 any and all firearms, rifles, or shotguns owned or possessed by such
40 person shall be surrendered to an appropriate law enforcement agency as
41 provided in subparagraph (f) of paragraph one of subdivision a of
42 section 265.20 of this chapter. In the event such license, firearm,
43 shotgun, or rifle is not surrendered, such items shall be removed and
44 declared a nuisance and any police officer or peace officer acting
45 pursuant to his or her special duties is authorized to remove any and
46 all such weapons.

47 12. Records required of gunsmiths and dealers in firearms. Any person
48 licensed as gunsmith or dealer in firearms shall keep a record book
49 approved as to form, except in the city of New York, by the superinten-
50 dent of state police. In the record book shall be entered at the time of
51 every transaction involving a firearm the date, name, age, occupation
52 and residence of any person from whom a firearm is received or to whom a
53 firearm is delivered, and the calibre, make, model, manufacturer's name
54 and serial number, or if none, any other distinguishing number or iden-
55 tification mark on such firearm. Before delivering a firearm to any
56 person, the licensee shall require him to produce either a license valid

1 under this section to carry or possess the same, or proof of lawful
2 authority as an exempt person pursuant to section 265.20. In addition,
3 before delivering a firearm to a peace officer, the licensee shall veri-
4 fy that person's status as a peace officer with the division of state
5 police. After completing the foregoing, the licensee shall remove and
6 retain the attached coupon and enter in the record book the date of such
7 license, number, if any, and name of the licensing officer, in the case
8 of the holder of a license to carry or possess, or the shield or other
9 number, if any, assignment and department, unit or agency, in the case
10 of an exempt person. The original transaction report shall be forwarded
11 to the division of state police within ten days of delivering a firearm
12 to any person, and a duplicate copy shall be kept by the licensee. The
13 superintendent of state police may designate that such record shall be
14 completed and transmitted in electronic form. A dealer may be granted a
15 waiver from transmitting such records in electronic form if the super-
16 intendent determines that such dealer is incapable of such transmission
17 due to technological limitations that are not reasonably within the
18 control of the dealer, or other exceptional circumstances demonstrated
19 by the dealer, pursuant to a process established in regulation, and at
20 the discretion of the superintendent. [~~Records assembled or collected~~
21 ~~for purposes of inclusion in the database created pursuant to section~~
22 ~~400.02 of this article shall not be subject to disclosure pursuant to~~
23 ~~article six of the public officers law.~~] The record book shall be main-
24 tained on the premises mentioned and described in the license and shall
25 be open at all reasonable hours for inspection by any peace officer,
26 acting pursuant to his special duties, or police officer. In the event
27 of cancellation or revocation of the license for gunsmith or dealer in
28 firearms, or discontinuance of business by a licensee, such record book
29 shall be immediately surrendered to the licensing officer in the city of
30 New York, and in the counties of Nassau and Suffolk, and elsewhere in
31 the state to the executive department, division of state police.

32 § 30. Subdivision 16-a of section 400.00 of the penal law, as added by
33 chapter 1 of the laws of 2013, paragraph (a-1) as added by chapter 98 of
34 the laws of 2013, is amended to read as follows:

35 16-a. Registration. (a) An owner of a weapon defined in paragraph (e)
36 or (f) of subdivision twenty-two of section 265.00 of this chapter, who
37 resides in the county of Suffolk, Nassau, Kings, Queens, Richmond, New
38 York, Bronx or Westchester, possessed before the date of the effective
39 date of [~~the~~] chapter one of the laws of two thousand thirteen which
40 added this paragraph, must make an application to register such weapon
41 with the superintendent of state police, in the manner provided by the
42 superintendent, or by amending a license issued pursuant to this section
43 within one year of the effective date of this subdivision except any
44 weapon defined under subparagraph (vi) of paragraph (g) of subdivision
45 twenty-two of section 265.00 of this chapter transferred into the state
46 may be registered at any time, provided such weapons are registered
47 within thirty days of their transfer into the state. Registration infor-
48 mation shall include the registrant's name, date of birth, gender, race,
49 residential address, social security number and a description of each
50 weapon being registered. A registration in the county of Suffolk,
51 Nassau, Kings, Queens, Richmond, New York, Bronx or Westchester, of any
52 weapon defined under subparagraph (vi) of paragraph (g) of subdivision
53 twenty-two of section 265.00 or a feeding device as defined under subdi-
54 vision twenty-three of section 265.00 of this chapter shall be transfer-
55 able, provided that the seller notifies the division of state police
56 within seventy-two hours of the transfer and the buyer provides the

1 division of state police with information sufficient to constitute a
2 registration under this section. Such registration shall not be valid if
3 such registrant is prohibited or becomes prohibited from possessing a
4 firearm pursuant to state or federal law. The superintendent shall
5 determine whether such registrant is prohibited from possessing a
6 firearm under state or federal law. Such check shall be limited to
7 determining whether the factors in 18 USC 922 (g) apply or whether a
8 registrant has been convicted of a serious offense as defined in subdivi-
9 sion sixteen-b of section 265.00 of this chapter, so as to prohibit
10 such registrant from possessing a firearm, and whether a report has been
11 issued pursuant to section 9.46 of the mental hygiene law. ~~[All]~~ Such
12 registrants shall recertify to the division of state police every five
13 years thereafter. Failure to recertify shall result in a revocation of
14 such registration.

15 (a-1) Notwithstanding any inconsistent provisions of paragraph (a) of
16 this subdivision, an owner, who resides in the county of Suffolk,
17 Nassau, Kings, Queens, Richmond, New York, Bronx or Westchester, of an
18 assault weapon as defined in subdivision twenty-two of section 265.00 of
19 this chapter, who is a qualified retired New York or federal law
20 enforcement officer as defined in subdivision twenty-five of section
21 265.00 of this chapter, where such weapon was issued to or purchased by
22 such officer prior to retirement and in the course of his or her offi-
23 cial duties, and for which such officer was qualified by the agency that
24 employed such officer within twelve months prior to his or her retire-
25 ment, must register such weapon within sixty days of retirement.

26 (b) The superintendent of state police shall create and maintain an
27 internet website to educate the public, who reside in the county of
28 Suffolk, Nassau, Kings, Queens, Richmond, New York, Bronx or Westches-
29 ter, as to which semiautomatic rifle, semiautomatic shotgun or semiauto-
30 matic pistol or weapon that are illegal as a result of the enactment of
31 ~~[the]~~ chapter one of the laws of two thousand thirteen which added this
32 paragraph, as well as such assault weapons which are illegal pursuant to
33 article two hundred sixty-five of this chapter. Such website shall
34 contain information to assist ~~[the]~~ such public in recognizing the rele-
35 vant features proscribed by such article two hundred sixty-five, as well
36 as which make and model of weapons that require registration.

37 (c) A person, who resides in the county of Suffolk, Nassau, Kings,
38 Queens, Richmond, New York, Bronx or Westchester, who knowingly fails to
39 apply to register such weapon, as required by this section, within one
40 year of the effective date of ~~[the]~~ chapter one of the laws of two thou-
41 sand thirteen which added this paragraph shall be guilty of a class A
42 misdemeanor and such person who unknowingly fails to validly register
43 such weapon within such one year period shall be given a warning by an
44 appropriate law enforcement authority about such failure and given thir-
45 ty days in which to apply to register such weapon or to surrender it. A
46 failure to apply or surrender such weapon within such thirty-day period
47 shall result in such weapon being removed by an appropriate law enforce-
48 ment authority and declared a nuisance.

49 § 31. Section 400.02 of the penal law is REPEALED.

50 § 32. Section 400.03 of the penal law, as added by chapter 1 of the
51 laws of 2013, is amended to read as follows:

52 § 400.03 Sellers of ammunition.

53 1. A seller of ammunition as defined in subdivision twenty-four of
54 section 265.00 of this chapter doing business in the county of Suffolk,
55 Nassau, Kings, Queens, Richmond, New York, Bronx or Westchester, shall
56 register with the superintendent of state police in a manner provided by

1 the superintendent. Any dealer in firearms that is validly licensed
2 pursuant to section 400.00 of this article shall not be required to
3 complete such registration.

4 2. Any seller of ammunition or dealer in firearms doing business in
5 the county of Suffolk, Nassau, Kings, Queens, Richmond, New York, Bronx
6 or Westchester, shall keep a record book approved as to form by the
7 superintendent of state police. In the record book shall be entered at
8 the time of every transaction involving ammunition the date, name, age,
9 occupation and residence of any person from whom ammunition is received
10 or to whom ammunition is delivered, and the amount, calibre, manufactur-
11 er's name and serial number, or if none, any other distinguishing number
12 or identification mark on such ammunition. The record book shall be
13 maintained on the premises mentioned and described in the license and
14 shall be open at all reasonable hours for inspection by any peace offi-
15 cer, acting pursuant to his or her special duties, or police officer.
16 Any record produced pursuant to this section and any transmission there-
17 of to any government agency shall not be considered a public record for
18 purposes of article six of the public officers law.

19 3. [~~No later than thirty days after the superintendent of the state~~
20 ~~police certifies that the statewide license and record database estab-~~
21 ~~lished pursuant to section 400.02 of this article is operational for the~~
22 ~~purposes of this section, a] A dealer in firearms licensed pursuant to
23 section 400.00 of this article, a seller of ammunition as defined in
24 subdivision twenty-four of section 265.00 of this chapter doing business
25 in the county of Suffolk, Nassau, Kings, Queens, Richmond, New York,
26 Bronx or Westchester, shall not transfer any ammunition to any other
27 person who is not a dealer in firearms as defined in subdivision nine of
28 such section 265.00 or a seller of ammunition as defined in subdivision
29 twenty-four of section 265.00 of this chapter, unless:~~

30 (a) before the completion of the transfer, the licensee or seller
31 contacts the [~~statewide license and record database~~] superintendent of
32 state police and provides the [~~database~~] superintendent with information
33 sufficient to identify such dealer or seller, transferee based on infor-
34 mation on the transferee's identification document as defined in para-
35 graph (c) of this subdivision, as well as the amount, calibre, manufac-
36 turer's name and serial number, if any, of such ammunition;

37 (b) the [~~system~~] superintendent provides the licensee or seller with a
38 unique identification number; and

39 (c) the transferor has verified the identity of the transferee by
40 examining a valid state identification document of the transferee issued
41 by the department of motor vehicles or if the transferee is not a resi-
42 dent of the state of New York, a valid identification document issued by
43 the transferee's state or country of residence containing a photograph
44 of the transferee.

45 4. If the [~~database~~] superintendent of state police determines that
46 the purchaser of ammunition is eligible to possess ammunition pursuant
47 to state and federal laws, [~~the system~~] he or she shall:

48 (a) assign a unique identification number to the transfer; and

49 (b) provide the licensee or seller with the number.

50 5. If the [~~statewide license and record database~~] superintendent of
51 state police notifies the licensee or seller that the information avail-
52 able [~~to the database~~] does not demonstrate that the receipt of ammuni-
53 tion by such other person would violate 18 U.S.C. 922(g) or state law,
54 and the licensee transfers ammunition to such other person, the licensee
55 shall indicate to the [~~database~~] superintendent that such transaction
56 has been completed at which point a record of such transaction shall be

1 created which shall be accessible by the division of state police and
2 maintained for no longer than one year from point of purchase[~~7~~ ~~which~~
3 ~~shall not be incorporated into the database established pursuant to~~
4 ~~section 400.02 of this article or the registry established pursuant to~~
5 ~~subdivision sixteen-a of section 400.00 of this article~~]. The division
6 of state police may share such information with a local law enforcement
7 agency. Evidence of the purchase of ammunition is not sufficient to
8 establish probable cause to believe that the purchaser has committed a
9 crime absent other information tending to prove the commission of a
10 crime. Records assembled or accessed pursuant to this section shall not
11 be subject to disclosure pursuant to article six of the public officers
12 law. This requirement of this section shall not apply (i) if a back-
13 ground check cannot be completed because the system is not operational
14 as determined by the superintendent of state police, or where it cannot
15 be accessed by the practitioner due to a temporary technological or
16 electrical failure, as set forth in regulation, or (ii) a dealer or
17 seller has been granted a waiver from conducting such background check
18 if the superintendent of state police determines that such dealer is
19 incapable of such check due to technological limitations that are not
20 reasonably within the control of the dealer, or other exceptional
21 circumstances demonstrated by the dealer, pursuant to a process estab-
22 lished in regulation, and at the discretion of such superintendent.

23 6. If the superintendent of state police certifies that background
24 checks of ammunition purchasers in the county of Suffolk, Nassau, Kings,
25 Queens, Richmond, New York, Bronx or Westchester may be conducted
26 through the national instant criminal background check system, use of
27 that system by a dealer or seller shall be sufficient to satisfy subdi-
28 visions four and five of this section and such checks shall be conducted
29 through such system, provided that a record of such transaction shall be
30 forwarded to the state police in a form determined by the superinten-
31 dent.

32 7. No commercial transfer of ammunition shall take place in the county
33 of Suffolk, Nassau, Kings, Queens, Richmond, New York, Bronx or West-
34 chester unless a licensed dealer in firearms or registered seller of
35 ammunition acts as an intermediary between the transferor and the ulti-
36 mate transferee of the ammunition for the purposes of contacting the
37 statewide license and record database pursuant to this section. Such
38 transfer between the dealer or seller, and transferee must occur in
39 person.

40 8. A seller of ammunition who fails to register pursuant to this
41 section and sells ammunition, for a first offense, shall be guilty of a
42 violation and subject to the fine of one thousand dollars and for a
43 second offense, shall be guilty of a class A misdemeanor.

44 A seller of ammunition that fails to keep any record required pursuant
45 to this section, for a first offense shall be guilty of a violation and
46 subject to a fine of five hundred dollars, and for a second offense
47 shall be guilty of a class B misdemeanor, and the registration of such
48 seller shall be revoked.

49 § 33. Paragraph (a) of subdivision 1 and subdivision 3 of section
50 400.10 of the penal law, as amended by chapter 1 of the laws of 2013,
51 are amended to read as follows:

52 (a) Any owner or other person lawfully in possession of: (i) a
53 firearm, rifle or[~~7~~] shotgun who suffers the loss or theft of said weap-
54 on; (ii) in the county of Suffolk, Nassau, Kings, Queens, Richmond, New
55 York, Bronx or Westchester, ammunition as well as a firearm, rifle or
56 shotgun who suffers the loss or theft of such ammunition as well as a

1 firearm, rifle or shotgun; or (iii) in the county of Suffolk, Nassau,
2 Kings, Queens, Richmond, New York, Bronx or Westchester, ammunition and
3 is a dealer in firearms or seller of ammunition who suffers the loss or
4 theft of such ammunition shall within twenty-four hours of the discovery
5 of the loss or theft report the facts and circumstances of the loss or
6 theft to a police department or sheriff's office.

7 3. Notwithstanding any other provision of law, a violation of para-
8 graph (a) of subdivision one of this section shall be [~~a class A misde-~~
9 ~~meanor~~] punishable only by a fine not to exceed one hundred dollars.

10 § 34. Section 2509 of the surrogate's court procedure act, as added by
11 chapter 1 of the laws of 2013, is amended to read as follows:

12 § 2509. Firearms inventory

13 Whenever, by regulation, rule or statute, a fiduciary or attorney of
14 record in the county of Suffolk, Nassau, Kings, Queens, Richmond, New
15 York, Bronx or Westchester must file a list of assets constituting a
16 decedent's estate, such list must include a particularized description
17 of every firearm, shotgun and rifle, as such terms are defined in
18 section 265.00 of the penal law, that are part of such estate. Such list
19 must be filed with the surrogate's court in the county in which the
20 estate proceeding, if any, is pending and a copy must be filed with the
21 division of criminal justice services.

22 § 35. This act shall take effect immediately.