STATE OF NEW YORK

1627

2017-2018 Regular Sessions

IN ASSEMBLY

January 12, 2017

Introduced by M. of A. ZEBROWSKI, JAFFEE, GALEF, STIRPE, BRINDISI, SKOUFIS, RAIA, CURRAN, GOODELL, CROUCH, BARRETT, OAKS, BRABENEC -- Multi-Sponsored by -- M. of A. BARCLAY, COLTON, HIKIND, KOLB, LOPEZ, LUPINACCI, MAGEE, McKEVITT, RA, RIVERA, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to prohibiting the state police from imposing a fee or surcharge for recertification of certain gun licenses

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

Section 1. Paragraph (b) of subdivision 10 and subdivision 16-a of section 400.00 of the penal law, as added by chapter 1 of the laws of 2013, and paragraph (a-1) of subdivision 16-a as added by chapter 98 of the laws of 2013, are amended to read as follows:

(b) All licensees shall be recertified to the division of state police every five years thereafter. Any license issued before the effective date of [~~the~~] chapter **one** of the laws of two thousand thirteen [~~which added this paragraph~~] shall be recertified by the licensee on or before January thirty-first, two thousand eighteen, and not less than one year prior to such date, the state police shall send a notice to all license holders who have not recertified by such time. Such recertification shall be in a form as approved by the superintendent of state police, which shall request the license holder's name, date of birth, gender, race, residential address, social security number, firearms possessed by such license holder, email address at the option of the license holder and an affirmation that such license holder is not prohibited from possessing firearms. The form may be in an electronic form if so designated by the superintendent of state police. **The state police shall not impose a fee or surcharge on a license holder for recertification.** Failure to recertify shall act as a revocation of such license. If the New York state police discover as a result of the recertification process

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

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that a licensee failed to provide a change of address, the New York state police shall not require the licensing officer to revoke such license.

16-a. Registration. (a) An owner of a weapon defined in paragraph (e) or (f) of subdivision twenty-two of section 265.00 of this chapter, possessed before the date of the effective date of [~~the~~] chapter **one** of the laws of two thousand thirteen [~~which added this paragraph~~], must make an application to register such weapon with the superintendent of state police, in the manner provided by the superintendent, or by amending a license issued pursuant to this section within one year of the effective date of this subdivision except any weapon defined under subparagraph (vi) of paragraph (g) of subdivision twenty-two of section 265.00 of this chapter transferred into the state may be registered at any time, provided such weapons are registered within thirty days of their transfer into the state. Registration information shall include the registrant's name, date of birth, gender, race, residential address, social security number and a description of each weapon being registered. A registration of any weapon defined under subparagraph (vi) of paragraph (g) of subdivision twenty-two of section 265.00 or a feeding device as defined under subdivision twenty-three of section 265.00 of this chapter shall be transferable, provided that the seller notifies the state police within seventy-two hours of the transfer and the buyer provides the state police with information sufficient to constitute a registration under this section. Such registration shall not be valid if such registrant is prohibited or becomes prohibited from possessing a firearm pursuant to state or federal law. The superintendent shall determine whether such registrant is prohibited from possessing a firearm under state or federal law. Such check shall be limited to determining whether the factors in 18 USC 922 (g) apply or whether a registrant has been convicted of a serious offense as defined in subdivision [~~sixteen-b~~] **seventeen** of section 265.00 of this chapter, so as to prohibit such registrant from possessing a firearm, and whether a report has been issued pursuant to section 9.46 of the mental hygiene law. All registrants shall recertify to the division of state police every five years thereafter. Failure to recertify shall result in a revocation of such registration. **The state police shall not impose a fee or surcharge on a person who is registering or recertifying a weapon pursuant to this section.**

(a-1) Notwithstanding any inconsistent provisions of paragraph (a) of this subdivision, an owner of an assault weapon as defined in subdivision twenty-two of section 265.00 of this chapter, who is a qualified retired New York or federal law enforcement officer as defined in subdivision twenty-five of section 265.00 of this chapter, where such weapon was issued to or purchased by such officer prior to retirement and in the course of his or her official duties, and for which such officer was qualified by the agency that employed such officer within twelve months prior to his or her retirement, must register such weapon within sixty days of retirement.

(b) The superintendent of state police shall create and maintain an internet website to educate the public as to which semiautomatic rifle, semiautomatic shotgun or semiautomatic pistol or weapon that are illegal as a result of the enactment of [~~the~~] chapter **one** of the laws of two thousand thirteen [~~which added this paragraph~~], as well as such assault weapons which are illegal pursuant to article two hundred sixty-five of this chapter. Such website shall contain information to assist the public in recognizing the relevant features proscribed by such article

two hundred sixty-five, as well as which make and model of weapons that require registration.

(c) A person who knowingly fails to apply to register such weapon, as required by this section, within one year of the effective date of [~~the~~] chapter **one** of the laws of two thousand thirteen [~~which added this paragraph~~] shall be guilty of a class A misdemeanor and such person who unknowingly fails to validly register such weapon within such one year period shall be given a warning by an appropriate law enforcement authority about such failure and given thirty days in which to apply to register such weapon or to surrender it. A failure to apply or surrender such weapon within such thirty-day period shall result in such weapon being removed by an appropriate law enforcement authority and declared a nuisance.

§ 2. This act shall take effect immediately.