

# STATE OF NEW YORK

4798--A

2017-2018 Regular Sessions

## IN ASSEMBLY

February 3, 2017

Introduced by M. of A. ROSENTHAL, MAYER, GOTTFRIED, ABINANTI, JAFFEE -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law and the state finance law, in relation to establishing the municipal gun buyback program and municipal gun buyback fund

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

1 Section 1. The penal law is amended by adding a new section 400.15 to  
2 read as follows:

3 § 400.15 Municipal gun buyback program.

4 1. For purposes of this section, the following terms shall have the  
5 following meanings:

6 (a) "Agency" means the police force or department of any county, city,  
7 town, or village or a county sheriff.

8 (b) "Gun buyback program" means any program in which a firearm, rifle,  
9 shotgun or ammunition may be purchased by or surrendered to an agency  
10 pursuant to this section.

11 (c) "Superintendent" means the superintendent of the division of state  
12 police.

13 (d) "Secretary" means the secretary of the department of state.

14 2. The municipal gun buyback program is hereby established. Agencies  
15 may participate at their option as funds are allocated through the  
16 municipal gun buyback fund established under section ninety-seven-cc of  
17 the state finance law.

18 3. The division of state police, in conjunction with the department of  
19 state shall administer this program and promulgate any rules and regu-  
20 lations the superintendent deems necessary for the implementation of  
21 this program. Such rules may include:

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

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1 (a) guidelines for an agency participating in the program to coordi-  
2 nate with community groups within its jurisdiction, select a location  
3 and designate dates and times when a participating individual may  
4 surrender a firearm, rifle, shotgun, or ammunition in exchange for funds  
5 of a predetermined value;

6 (b) the manner in which an agency may apply for funds to support a gun  
7 buyback program and the manner in which the funds will be allocated and  
8 distributed;

9 (c) guidelines for the safe storage and disposal of recovered  
10 firearms, rifles, shotguns, or ammunition in the possession of the  
11 participating agency, return of any recovered stolen property to its  
12 rightful owner as appropriate, and retention for evidence of any  
13 firearm, rifle, or shotgun determined to have been used in a crime; and

14 (d) provisions for checking the serial number of every firearm, rifle,  
15 or shotgun obtained by such gun buyback program against the New York  
16 Statewide Police Information Network records.

17 4. Any individual who elects to surrender a firearm anonymously pursu-  
18 ant to this section may do so and personal identification shall only be  
19 required to be presented for proof of residency.

20 5. Any person participating in a gun buyback program pursuant to this  
21 section shall be immune from criminal prosecution for the criminal  
22 offenses established by sections 265.01, 265.02, 265.03, and 265.05 of  
23 this chapter, provided the person is, in good faith, on an immediate,  
24 direct route to the gun buyback program site.

25 6. Nothing in this section shall limit the authority of any agency to  
26 conduct a gun buyback program otherwise permitted by law.

27 § 2. The state finance law is amended by adding a new section 97-cc to  
28 read as follows:

29 § 97-cc. Municipal gun buyback fund. 1. There is hereby established,  
30 in the joint custody of the superintendent of state police and the  
31 secretary of state a fund to be known as the municipal gun buyback fund.

32 2. The superintendent and the secretary shall promulgate rules and  
33 regulations for the implementation and distribution of this fund to  
34 assist municipalities in the gun buyback program established under  
35 section 400.15 of the penal law.

36 3. Funding may be allocated from the general fund or acquired through  
37 donations from private businesses, charities and individuals or from  
38 assets, seizures and forfeitures collected by the agencies.

39 § 3. This act shall take effect on the one hundred eightieth day after  
40 it shall have become a law. Effective immediately, the addition, amend-  
41 ment and/or repeal of any rule or regulation necessary for the implemen-  
42 tation of this act on its effective date are authorized to be made and  
43 completed on or before such effective date.