

STATE OF NEW YORK

4798--B

2017-2018 Regular Sessions

IN ASSEMBLY

February 3, 2017

Introduced by M. of A. ROSENTHAL, MAYER, GOTTFRIED, ABINANTI, JAFFEE, HARRIS, HOOPER, WEPRIN -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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:

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

§ 400.15 Municipal gun buyback program.

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

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

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

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

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

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

3. The division of state police, in conjunction with the department of state shall administer this program and promulgate any rules and regu-

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

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lations the superintendent deems necessary for the implementation of this program. Such rules may include:

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

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

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

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

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

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

6. Any police agency shall be authorized to develop and implement its own gun buyback program provided it is otherwise permitted by law.

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

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

2. The superintendent and the secretary shall promulgate rules and regulations for the implementation and distribution of this fund to assist municipalities in the gun buyback program established under section 400.15 of the penal law. Such rules and regulations shall authorize police agencies that develop and implement their own plans pursuant to subdivision six of section 400.15 of the penal law to be eligible to participate in the municipal gun buyback fund, provided the superintendent of state police authorizes participation in the fund.

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

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.