STATE OF NEW YORK

353

2017-2018 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to the disposal of firearms, rifles and shotguns by the state and local governments

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

Section 1. Subdivision 16 of section 400.00 of the penal law, as added by chapter 233 of the laws of 1980, is amended to read as follows:

16. Unlawful disposal. **(a)** No person shall except as otherwise authorized pursuant to law dispose of any firearm unless he **or she** is licensed as gunsmith or dealer in firearms.

(b) No department, board, bureau, commission, agency or other division of the state or local government shall sell or otherwise transfer any firearm, rifle or shotgun to any person or entity other than to a law enforcement agency for use by such law enforcement agency. Any department, board, bureau, commission, agency or other division of the state or local government intending to dispose of any firearm, rifle or shotgun shall, if authorized, either sell or transfer such firearm, rifle or shotgun to a law enforcement agency for use by such law enforcement agency, or dispose of the firearm, rifle or shotgun by destroying the same or causing it to be destroyed or rendering the same or causing it to be rendered ineffective and useless for its intended purposes and harmless to human life.

§ 2. This act shall take effect immediately.

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

LBD00078-01-7