STATE OF NEW YORK

5577

2017-2018 Regular Sessions

IN SENATE

April 17, 2017

Introduced by Sen. LANZA -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to procedures for the return of firearms voluntarily surrendered in connection with an order of protection

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

Section 1. Paragraph (b) of subdivision 5 of section 530.14 of the criminal procedure law, as added by chapter 644 of the laws of 1996, is amended to read as follows:

(b) The prompt surrender of one or more firearms pursuant to a court order issued pursuant to this section shall be considered a voluntary surrender for purposes of subparagraph (f) of paragraph one of subdivision a of section 265.20 of the penal law. The disposition of any such firearms shall be in accordance with the provisions of subdivision six of section 400.05 of the penal law**; provided, however, that upon termination of any suspension order issued pursuant to this section or section eight hundred forty-two-a of the family court act, and upon written application of the subject of the order, with notice and opportunity to be heard to the district attorney, the county attorney, the protected party and any licensing officer responsible for issuance of a firearms license to the subject of the order pursuant to article four hundred of the penal law, and upon a written finding that there is no legal impediment to the subject's possession of a surrendered firearm, any court of record exercising criminal jurisdiction may order the return of a firearm not otherwise disposed in accordance with subdivision six of section 400.05 of the penal law. When issuing such order in connection with any firearm subject to a license requirement under article four hundred of the penal law, unless the licensing authority consents to a shorter period, the order must be stayed for ninety days**

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

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or until the conclusion of any license revocation proceeding, whichever is longer.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.