

STATE OF NEW YORK

7583

IN SENATE

January 26, 2018

Introduced by Sen. GALLIVAN -- 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 extending the deadline for recertification of licenses to carry or possess a pistol or revolver

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

1 Section 1. Subdivision 10 of section 400.00 of the penal law, as
2 amended by chapter 1 of the laws of 2013, is amended to read as follows:
3 10. License: expiration, certification and renewal. (a) Any license
4 for gunsmith or dealer in firearms and, in the city of New York, any
5 license to carry or possess a pistol or revolver, issued at any time
6 pursuant to this section or prior to the first day of July, nineteen
7 hundred sixty-three and not limited to expire on an earlier date fixed
8 in the license, shall expire not more than three years after the date of
9 issuance. In the counties of Nassau, Suffolk and Westchester, any
10 license to carry or possess a pistol or revolver, issued at any time
11 pursuant to this section or prior to the first day of July, nineteen
12 hundred sixty-three and not limited to expire on an earlier date fixed
13 in the license, shall expire not more than five years after the date of
14 issuance; however, in the county of Westchester, any such license shall
15 be certified prior to the first day of April, two thousand, in accord-
16 ance with a schedule to be contained in regulations promulgated by the
17 commissioner of the division of criminal justice services, and every
18 such license shall be recertified every five years thereafter. For
19 purposes of this section certification shall mean that the licensee
20 shall provide to the licensing officer the following information only:
21 current name, date of birth, current address, and the make, model, cali-
22 ber and serial number of all firearms currently possessed. Such certif-
23 ication information shall be filed by the licensing officer in the same
24 manner as an amendment. Elsewhere than in the city of New York and the
25 counties of Nassau, Suffolk and Westchester, any license to carry or
26 possess a pistol or revolver, issued at any time pursuant to this
27 section or prior to the first day of July, nineteen hundred sixty-three
28 and not previously revoked or cancelled, shall be in force and effect

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

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1 until revoked as herein provided. Any license not previously cancelled
2 or revoked shall remain in full force and effect for thirty days beyond
3 the stated expiration date on such license. Any application to renew a
4 license that has not previously expired, been revoked or cancelled shall
5 thereby extend the term of the license until disposition of the applica-
6 tion by the licensing officer. In the case of a license for gunsmith or
7 dealer in firearms, in counties having a population of less than two
8 hundred thousand inhabitants, photographs and fingerprints shall be
9 submitted on original applications and upon renewal thereafter only at
10 six year intervals. Upon satisfactory proof that a currently valid
11 original license has been despoiled, lost or otherwise removed from the
12 possession of the licensee and upon application containing an additional
13 photograph of the licensee, the licensing officer shall issue a dupli-
14 cate license.

15 (b) All licensees shall be recertified to the division of state police
16 every five years thereafter. Any license issued before the effective
17 date of the chapter of the laws of two thousand thirteen which added
18 this paragraph shall be recertified by the licensee on or before [~~Janu-~~
19 ~~ary thirty-first, two thousand eighteen~~] July thirty-first, two thousand
20 nineteen, and not less than one year prior to such date, the state
21 police shall send a notice to all license holders who have not recerti-
22 fied by such time. Such recertification shall be in a form as approved
23 by the superintendent of state police, which shall request the license
24 holder's name, date of birth, gender, race, residential address, social
25 security number, firearms possessed by such license holder, email
26 address at the option of the license holder and an affirmation that such
27 license holder is not prohibited from possessing firearms. The form may
28 be in an electronic form if so designated by the superintendent of state
29 police. Failure to recertify shall act as a revocation of such license.
30 If the New York state police discover as a result of the recertification
31 process that a licensee failed to provide a change of address, the New
32 York state police shall not require the licensing officer to revoke such
33 license.

34 § 2. This act shall take effect immediately and shall be deemed to
35 have been in full force and effect on and after January 31, 2018.