

# STATE OF NEW YORK

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4496

2019-2020 Regular Sessions

## IN ASSEMBLY

February 4, 2019

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Introduced by M. of A. STEC -- Multi-Sponsored by -- M. of A. BARCLAY, CROUCH, FINCH, GOODELL, HAWLEY, KOLB, PALMESANO, WALSH -- read once and referred to the Committee on Codes

AN ACT to amend the family court act, in relation to the suspension and revocation of a license to carry firearms; to amend the domestic relations law, in relation to orders of protection; to amend the penal law, in relation to the applicability of certain provisions of the penal law, large capacity ammunition feeding devices, and gun licenses; to amend section 58 of chapter 1 of the laws of 2013 amending the criminal procedure law and other laws relating to suspension and revocation of firearms licenses; private sale or disposal of firearms, rifles or shotguns and establishing a minimum age to possess a firearm, in relation to the effectiveness thereof; and to repeal article 39-DDD of the general business law relating to the private sale or disposal of firearms, rifles and shotguns, section 9.46 of the mental hygiene law relating to reports of substantial risk or threat of harm by mental health professionals, sections 37, 38, 46 and 51 of chapter 1 of the laws of 2013, amending the criminal procedure law and other laws relating to suspension and revocation of firearms licenses; private sale or disposal of firearms, rifles or shotguns and establishing a minimum age to possess a firearm relating to gun control, section 265.01-b of the penal law relating to criminal possession of a firearm, section 265.36 of the penal law relating to unlawful possession of a large capacity ammunition feeding device, 265.37 of the penal law relating to unlawful possession of certain ammunition feeding devices, 265.45 of the penal law relating to the safe storage of rifles, shotguns, and firearms, 400.02 of the penal law relating to the statewide license and record database and 400.03 of the penal law relating to sellers of ammunition, and section 2509 of the surrogate's court procedure act relating to a firearms inventory

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

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

LBD08756-01-9

1 Section 1. Section 446-a of the family court act, as added by chapter  
2 1 of the laws of 2013, is amended to read as follows:

3 § 446-a. Firearms; surrender and license suspension, revocation and  
4 ineligibility. Upon the issuance of an order of protection or temporary  
5 order of protection, or upon a violation of such order, the court shall  
6 make a determination regarding the suspension [~~and~~] and/or revocation of  
7 a license to carry, possess, repair or dispose of a firearm or firearms,  
8 ineligibility for such a license and the surrender of firearms in  
9 accordance with section eight hundred forty-two-a of this act.

10 § 2. Section 552 of the family court act, as added by chapter 1 of the  
11 laws of 2013, is amended to read as follows:

12 § 552. Firearms; surrender and license suspension, revocation and  
13 ineligibility. Upon the issuance of an order of protection or temporary  
14 order of protection, or upon a violation of such order, the court shall  
15 make a determination regarding the suspension [~~and~~] and/or revocation of  
16 a license to carry, possess, repair or dispose of a firearm or firearms,  
17 ineligibility for such a license and the surrender of firearms in  
18 accordance with section eight hundred forty-two-a of this act.

19 § 3. Section 656-a of the family court act, as added by chapter 1 of  
20 the laws of 2013, is amended to read as follows:

21 § 656-a. Firearms; surrender and license suspension, revocation and  
22 ineligibility. Upon the issuance of an order of protection or temporary  
23 order of protection, or upon a violation of such order, the court shall  
24 make a determination regarding the suspension [~~and~~] and/or revocation of  
25 a license to carry, possess, repair or dispose of a firearm or firearms,  
26 ineligibility for such a license and the surrender of firearms in  
27 accordance with section eight hundred forty-two-a of this act.

28 § 4. Section 780-a of the family court act, as added by chapter 1 of  
29 the laws of 2013, is amended to read as follows:

30 § 780-a. Firearms; surrender and license suspension, revocation and  
31 ineligibility. Upon the issuance of an order of protection or temporary  
32 order of protection, or upon a violation of such order, the court shall  
33 make a determination regarding the suspension [~~and~~] and/or revocation of  
34 a license to carry, possess, repair or dispose of a firearm or firearms,  
35 ineligibility for such a license and the surrender of firearms in  
36 accordance with section eight hundred forty-two-a of this act.

37 § 5. Paragraph h of subdivision 3 of section 240 of the domestic  
38 relations law, as amended by chapter 1 of the laws of 2013, is amended  
39 to read as follows:

40 h. Upon issuance of an order of protection or temporary order of  
41 protection or upon a violation of such order, the court shall make a  
42 determination regarding the suspension [~~and~~] and/or revocation of a  
43 license to carry, possess, repair or dispose of a firearm or firearms,  
44 ineligibility for such a license and the surrender of firearms in  
45 accordance with sections eight hundred forty-two-a and eight hundred  
46 forty-six-a of the family court act, as applicable. Upon issuance of an  
47 order of protection pursuant to this section or upon a finding of a  
48 violation thereof, the court also may direct payment of restitution in  
49 an amount not to exceed ten thousand dollars in accordance with subdivi-  
50 sion (e) of section eight hundred forty-one of such act; provided,  
51 however, that in no case shall an order of restitution be issued where  
52 the court determines that the party against whom the order would be  
53 issued has already compensated the injured party or where such compen-  
54 sation is incorporated in a final judgment or settlement of the action.

55 § 6. Subdivision 9 of section 252 of the domestic relations law, as  
56 amended by chapter 1 of the laws of 2013, is amended to read as follows:

1 9. Upon issuance of an order of protection or temporary order of  
2 protection or upon a violation of such order, the court shall make a  
3 determination regarding the suspension [~~and~~] and/or revocation of a  
4 license to carry, possess, repair or dispose of a firearm or firearms,  
5 ineligibility for such a license and the surrender of firearms in  
6 accordance with sections eight hundred forty-two-a and eight hundred  
7 forty-six-a of the family court act, as applicable. Upon issuance of an  
8 order of protection pursuant to this section or upon a finding of a  
9 violation thereof, the court also may direct payment of restitution in  
10 an amount not to exceed ten thousand dollars in accordance with subdivi-  
11 sion (e) of section eight hundred forty-one of such act; provided,  
12 however, that in no case shall an order of restitution be issued where  
13 the court determines that the party against whom the order would be  
14 issued has already compensated the injured party or where such compen-  
15 sation is incorporated in a final judgment or settlement of the action.

16 § 7. Article 39-DDD of the general business law is REPEALED.

17 § 8. Section 9.46 of the mental hygiene law is REPEALED.

18 § 9. Sections 37, 38, 46 and 51 of chapter 1 of the laws of 2013,  
19 amending the criminal procedure law and other laws relating to suspen-  
20 sion and revocation of firearms licenses; private sale or disposal of  
21 firearms, rifles or shotguns and establishing a minimum age to possess a  
22 firearm are REPEALED.

23 § 10. Sections 265.01-b, 265.36, 265.37, 265.45, 400.02 and 400.03 of  
24 the penal law are REPEALED.

25 § 11. Subdivision 8 of section 265.02 of the penal law, as amended by  
26 chapter 1 of the laws of 2013, is amended to read as follows:

27 (8) Such person possesses a large capacity ammunition feeding device[  
28 ~~For purposes of this subdivision, a large capacity ammunition feeding~~  
29 ~~device shall not include an ammunition feeding device lawfully possessed~~  
30 ~~by such person before the effective date of the chapter of the laws of~~  
31 ~~two thousand thirteen which amended this subdivision, that has a capaci-~~  
32 ~~ty of, or that can be readily restored or converted to accept more than~~  
33 ~~seven but less than eleven rounds of ammunition, or that was manufac-~~  
34 ~~tured before September thirteenth, nineteen hundred ninety four, that~~  
35 ~~has a capacity of, or that can be readily restored or converted to~~  
36 ~~accept, more than ten rounds of ammunition]; or~~

37 § 12. Subdivisions 5, 10, 12, 16-a and 16-b of section 400.00 of the  
38 penal law, subdivisions 5, 10 and 12 as amended and subdivisions 16-a  
39 and 16-b as added by chapter 1 of the laws of 2013, and paragraph (a-1)  
40 of subdivision 16-a as added by chapter 98 of the laws of 2013, are  
41 amended to read as follows:

42 5. Filing of approved applications. [~~(a)~~] The application for any  
43 license, if granted, shall be filed by the licensing officer with the  
44 clerk of the county of issuance, except that in the city of New York  
45 and, in the counties of Nassau and Suffolk, the licensing officer shall  
46 designate the place of filing in the appropriate division, bureau or  
47 unit of the police department thereof, and in the county of Suffolk the  
48 county clerk is hereby authorized to transfer all records or applica-  
49 tions relating to firearms to the licensing authority of that county.  
50 [~~Except as provided in paragraphs (b) through (f) of this subdivision,~~  
51 ~~the~~] The name and address of any person to whom an application for any  
52 license has been granted shall not be a public record. Upon application  
53 by a licensee who has changed his place of residence such records or  
54 applications shall be transferred to the appropriate officer at the  
55 licensee's new place of residence. A duplicate copy of such application  
56 shall be filed by the licensing officer in the executive department,

1 division of state police, Albany, within ten days after issuance of the  
2 license. The superintendent of state police may designate that such  
3 application shall be transmitted to the division of state police elec-  
4 tronically. In the event the superintendent of the division of state  
5 police determines that it lacks any of the records required to be filed  
6 with the division, it may request that such records be provided to it by  
7 the appropriate clerk, department or authority and such clerk, depart-  
8 ment or authority shall provide the division with such records. In the  
9 event such clerk, department or authority lacks such records, the divi-  
10 sion may request the license holder provide information sufficient to  
11 constitute such record and such license holder shall provide the divi-  
12 sion with such information. Such information shall be limited to the  
13 license holder's name, date of birth, gender, race, residential address,  
14 social security number and firearms possessed by said license holder.  
15 Nothing in this subdivision shall be construed to change the expiration  
16 date or term of such licenses if otherwise provided for in law. [~~Records~~

17 ~~assembled or collected for purposes of inclusion in the database estab-~~  
18 ~~lished by this section shall be released pursuant to a court order.~~  
19 ~~Records assembled or collected for purposes of inclusion in the database~~  
20 ~~created pursuant to section 400.02 of this chapter shall not be subject~~  
21 ~~to disclosure pursuant to article six of the public officers law.~~

22 ~~(b) Each application for a license pursuant to paragraph (a) of this~~  
23 ~~subdivision shall include, on a separate written form prepared by the~~  
24 ~~division of state police within thirty days of the effective date of the~~  
25 ~~chapter of the laws of two thousand thirteen, which amended this~~  
26 ~~section, and provided to the applicant at the same time and in the same~~  
27 ~~manner as the application for a license, an opportunity for the appli-~~  
28 ~~cant to request an exception from his or her application information~~  
29 ~~becoming public record pursuant to paragraph (a) of this subdivision.~~  
30 ~~Such forms, which shall also be made available to individuals who had~~  
31 ~~applied for or been granted a license prior to the effective date of the~~  
32 ~~chapter of the laws of two thousand thirteen which amended this section,~~  
33 ~~shall notify applicants that, upon discovery that an applicant knowingly~~  
34 ~~provided false information, such applicant may be subject to penalties~~  
35 ~~pursuant to section 175.30 of this chapter, and further, that his or her~~  
36 ~~request for an exception shall be null and void, provided that written~~  
37 ~~notice containing such determination is provided to the applicant.~~  
38 ~~Further, such forms shall provide each applicant an opportunity to spec-~~  
39 ~~ify the grounds on which he or she believes his or her application~~  
40 ~~information should not be publicly disclosed. These grounds, which shall~~  
41 ~~be identified on the application with a box beside each for checking, as~~  
42 ~~applicable, by the applicant, shall be as follows:~~

43 ~~(i) the applicant's life or safety may be endangered by disclosure~~  
44 ~~because:~~

45 ~~(A) the applicant is an active or retired police officer, peace offi-~~  
46 ~~cer, probation officer, parole officer, or corrections officer;~~

47 ~~(B) the applicant is a protected person under a currently valid order~~  
48 ~~of protection;~~

49 ~~(C) the applicant is or was a witness in a criminal proceeding involv-~~  
50 ~~ing a criminal charge;~~

51 ~~(D) the applicant is participating or previously participated as a~~  
52 ~~juror in a criminal proceeding, or is or was a member of a grand jury;~~  
53 ~~or~~

54 ~~(E) the applicant is a spouse, domestic partner or household member of~~  
55 ~~a person identified in this subparagraph or subparagraph (ii) of this~~

1 ~~paragraph, specifying which subparagraph or subparagraphs and clauses~~  
2 ~~apply.~~

3 ~~(ii) the applicant has reason to believe his or her life or safety may~~  
4 ~~be endangered by disclosure due to reasons stated by the applicant.~~

5 ~~(iii) the applicant has reason to believe he or she may be subject to~~  
6 ~~unwarranted harassment upon disclosure of such information.~~

7 ~~(c) Each form provided for recertification pursuant to paragraph (b)~~  
8 ~~of subdivision ten of this section shall include an opportunity for the~~  
9 ~~applicant to request an exception from the information provided on such~~  
10 ~~form becoming public record pursuant to paragraph (a) of this subdivi-~~  
11 ~~sion. Such forms shall notify applicants that, upon discovery that an~~  
12 ~~applicant knowingly provided false information, such applicant may be~~  
13 ~~subject to penalties pursuant to section 175.30 of this chapter, and~~  
14 ~~further, that his or her request for an exception shall be null and~~  
15 ~~void, provided that written notice containing such determination is~~  
16 ~~provided to the applicant. Further, such forms shall provide each appli-~~  
17 ~~cant an opportunity to either decline to request the grant or continua-~~  
18 ~~tion of an exception, or specify the grounds on which he or she believes~~  
19 ~~his or her information should not be publicly disclosed. These grounds,~~  
20 ~~which shall be identified in the application with a box beside each for~~  
21 ~~checking, as applicable, by the applicant, shall be the same as provided~~  
22 ~~in paragraph (b) of this subdivision.~~

23 ~~(d) Information submitted on the forms described in paragraph (b) of~~  
24 ~~this subdivision shall be exempted from disclosure and maintained by the~~  
25 ~~entity retaining such information separate and apart from all other~~  
26 ~~records.~~

27 ~~(e) (i) Upon receiving a request for exception from disclosure, the~~  
28 ~~licensing officer shall grant such exception, unless the request is~~  
29 ~~determined to be null and void, pursuant to paragraph (b) or (c) of this~~  
30 ~~subdivision.~~

31 ~~(ii) A request for an exception from disclosure may be submitted at~~  
32 ~~any time, including after a license or recertification has been granted.~~

33 ~~(iii) If an exception is sought and granted pursuant to paragraph (b)~~  
34 ~~of this subdivision, the application information shall not be public~~  
35 ~~record, unless the request is determined to be null and void. If an~~  
36 ~~exception is sought and granted pursuant to paragraph (c) of this subdivi-~~  
37 ~~sion, the information concerning such recertification application~~  
38 ~~shall not be public record, unless the request is determined to be null~~  
39 ~~and void.~~

40 ~~(f) The information of licensees or applicants for a license shall not~~  
41 ~~be disclosed to the public during the first one hundred twenty days~~  
42 ~~following the effective date of the chapter of the laws of two thousand~~  
43 ~~thirteen, which amended this section. After such period, the information~~  
44 ~~of those who had applied for or been granted a license prior to the~~  
45 ~~preparation of the form for requesting an exception, pursuant to para-~~  
46 ~~graph (b) of this subdivision, may be released only if such individuals~~  
47 ~~did not file a request for such an exception during the first sixty days~~  
48 ~~following such preparation; provided, however, that no information~~  
49 ~~contained in an application for licensure or recertification shall be~~  
50 ~~disclosed by an entity that has not completed processing any such~~  
51 ~~requests received during such sixty days.~~

52 ~~(g) If a request for an exception is determined to be null and void~~  
53 ~~pursuant to paragraph (b) or (c) of this subdivision, an applicant may~~  
54 ~~request review of such determination pursuant to article seventy eight~~  
55 ~~of the civil practice laws and rules. Such proceeding must commence~~  
56 ~~within thirty days after service of the written notice containing the~~

~~1 adverse determination. Notice of the right to commence such a petition,  
2 and the time period therefor, shall be included in the notice of the  
3 determination. Disclosure following such a petition shall not be made  
4 prior to the disposition of such review.]~~

5 10. License: expiration, certification and renewal. [~~(a)~~] Any license  
6 for gunsmith or dealer in firearms and, in the city of New York, any  
7 license to carry or possess a pistol or revolver, issued at any time  
8 pursuant to this section or prior to the first day of July, nineteen  
9 hundred sixty-three and not limited to expire on an earlier date fixed  
10 in the license, shall expire not more than three years after the date of  
11 issuance. In the counties of Nassau, Suffolk and Westchester, any  
12 license to carry or possess a pistol or revolver, issued at any time  
13 pursuant to this section or prior to the first day of July, nineteen  
14 hundred sixty-three and not limited to expire on an earlier date fixed  
15 in the license, shall expire not more than five years after the date of  
16 issuance; however, in the county of Westchester, any such license shall  
17 be certified prior to the first day of April, two thousand, in accord-  
18 ance with a schedule to be contained in regulations promulgated by the  
19 commissioner of the division of criminal justice services, and every  
20 such license shall be recertified every five years thereafter. For  
21 purposes of this section certification shall mean that the licensee  
22 shall provide to the licensing officer the following information only:  
23 current name, date of birth, current address, and the make, model, cali-  
24 ber and serial number of all firearms currently possessed. Such certif-  
25 ication information shall be filed by the licensing officer in the same  
26 manner as an amendment. Elsewhere than in the city of New York and the  
27 counties of Nassau, Suffolk and Westchester, any license to carry or  
28 possess a pistol or revolver, issued at any time pursuant to this  
29 section or prior to the first day of July, nineteen hundred sixty-three  
30 and not previously revoked or cancelled, shall be in force and effect  
31 until revoked as herein provided. Any license not previously cancelled  
32 or revoked shall remain in full force and effect for thirty days beyond  
33 the stated expiration date on such license. Any application to renew a  
34 license that has not previously expired, been revoked or cancelled shall  
35 thereby extend the term of the license until disposition of the applica-  
36 tion by the licensing officer. In the case of a license for gunsmith or  
37 dealer in firearms, in counties having a population of less than two  
38 hundred thousand inhabitants, photographs and fingerprints shall be  
39 submitted on original applications and upon renewal thereafter only at  
40 six year intervals. Upon satisfactory proof that a currently valid  
41 original license has been despoiled, lost or otherwise removed from the  
42 possession of the licensee and upon application containing an additional  
43 photograph of the licensee, the licensing officer shall issue a dupli-  
44 cate license.

45 [~~(b) All licensees shall be recertified to the division of state  
46 police every five years thereafter. Any license issued before the effec-  
47 tive date of the chapter of the laws of two thousand thirteen which  
48 added this paragraph shall be recertified by the licensee on or before  
49 January thirty first, two thousand eighteen, and not less than one year  
50 prior to such date, the state police shall send a notice to all license  
51 holders who have not recertified by such time. Such recertification  
52 shall be in a form as approved by the superintendent of state police,  
53 which shall request the license holder's name, date of birth, gender,  
54 race, residential address, social security number, firearms possessed by  
55 such license holder, email address at the option of the license holder  
56 and an affirmation that such license holder is not prohibited from~~

~~possessing firearms. The form may be in an electronic form if so designated by the superintendent of state police. Failure to recertify shall act as a revocation of such license. If the New York state police discover as a result of the recertification process that a licensee failed to provide a change of address, the New York state police shall not require the licensing officer to revoke such license.]~~

12. Records required of gunsmiths and dealers in firearms. Any person licensed as gunsmith or dealer in firearms shall keep a record book approved as to form, except in the city of New York, by the superintendent of state police. In the record book shall be entered at the time of every transaction involving a firearm the date, name, age, occupation and residence of any person from whom a firearm is received or to whom a firearm is delivered, and the calibre, make, model, manufacturer's name and serial number, or if none, any other distinguishing number or identification mark on such firearm. Before delivering a firearm to any person, the licensee shall require him to produce either a license valid under this section to carry or possess the same, or proof of lawful authority as an exempt person pursuant to section 265.20. In addition, before delivering a firearm to a peace officer, the licensee shall verify that person's status as a peace officer with the division of state police. After completing the foregoing, the licensee shall remove and retain the attached coupon and enter in the record book the date of such license, number, if any, and name of the licensing officer, in the case of the holder of a license to carry or possess, or the shield or other number, if any, assignment and department, unit or agency, in the case of an exempt person. The original transaction report shall be forwarded to the division of state police within ten days of delivering a firearm to any person, and a duplicate copy shall be kept by the licensee. The superintendent of state police may designate that such record shall be completed and transmitted in electronic form. A dealer may be granted a waiver from transmitting such records in electronic form if the superintendent determines that such dealer is incapable of such transmission due to technological limitations that are not reasonably within the control of the dealer, or other exceptional circumstances demonstrated by the dealer, pursuant to a process established in regulation, and at the discretion of the superintendent. ~~[Records assembled or collected for purposes of inclusion in the database created pursuant to section 400.02 of this article shall not be subject to disclosure pursuant to article six of the public officers law.]~~ The record book shall be maintained on the premises mentioned and described in the license and shall be open at all reasonable hours for inspection by any peace officer, acting pursuant to his special duties, or police officer. In the event of cancellation or revocation of the license for gunsmith or dealer in firearms, or discontinuance of business by a licensee, such record book shall be immediately surrendered to the licensing officer in the city of New York, and in the counties of Nassau and Suffolk, and elsewhere in the state to the executive department, division of state police.

16-a. ~~[Registration. (a) An owner of a weapon defined in paragraph (e) or (f) of subdivision twenty two of section 265.00 of this chapter, possessed before the date of the effective date of the chapter of the laws of two thousand thirteen which added this paragraph, must make an application to register such weapon with the superintendent of state police, in the manner provided by the superintendent, or by amending a license issued pursuant to this section within one year of the effective date of this subdivision except any weapon defined under subparagraph (vi) of paragraph (g) of subdivision twenty two of section 265.00 of~~

~~1 this chapter transferred into the state may be registered at any time,  
2 provided such weapons are registered within thirty days of their trans-  
3 fer into the state. Registration information shall include the regis-  
4 trant's name, date of birth, gender, race, residential address, social  
5 security number and a description of each weapon being registered. A  
6 registration of any weapon defined under subparagraph (vi) of paragraph  
7 (g) of subdivision twenty two of section 265.00 or a feeding device as  
8 defined under subdivision twenty three of section 265.00 of this chapter  
9 shall be transferable, provided that the seller notifies the state  
10 police within seventy two hours of the transfer and the buyer provides  
11 the state police with information sufficient to constitute a registra-  
12 tion under this section. Such registration shall not be valid if such  
13 registrant is prohibited or becomes prohibited from possessing a firearm  
14 pursuant to state or federal law. The superintendent shall determine  
15 whether such registrant is prohibited from possessing a firearm under  
16 state or federal law. Such check shall be limited to determining whether  
17 the factors in 18 USC 922 (g) apply or whether a registrant has been  
18 convicted of a serious offense as defined in subdivision sixteen b of  
19 section 265.00 of this chapter, so as to prohibit such registrant from  
20 possessing a firearm, and whether a report has been issued pursuant to  
21 section 9.46 of the mental hygiene law. All registrants shall recertify  
22 to the division of state police every five years thereafter. Failure to  
23 recertify shall result in a revocation of such registration.~~

~~24 (a-1) Notwithstanding any inconsistent provisions of paragraph (a) of  
25 this subdivision, an owner of an assault weapon as defined in subdivi-  
26 sion twenty two of section 265.00 of this chapter, who is a qualified  
27 retired New York or federal law enforcement officer as defined in subdivi-  
28 sion twenty five of section 265.00 of this chapter, where such weapon  
29 was issued to or purchased by such officer prior to retirement and in  
30 the course of his or her official duties, and for which such officer was  
31 qualified by the agency that employed such officer within twelve months  
32 prior to his or her retirement, must register such weapon within sixty  
33 days of retirement.~~

~~34 (b) The superintendent of state police shall create and maintain an  
35 internet website to educate the public as to which semiautomatic rifle,  
36 semiautomatic shotgun or semiautomatic pistol or weapon that are illegal  
37 as a result of the enactment of the chapter of the laws of two thousand  
38 thirteen which added this paragraph, as well as such assault weapons  
39 which are illegal pursuant to article two hundred sixty five of this  
40 chapter. Such website shall contain information to assist the public in  
41 recognizing the relevant features proscribed by such article two hundred  
42 sixty-five, as well as which make and model of weapons that require  
43 registration.~~

~~44 (c) A person who knowingly fails to apply to register such weapon, as  
45 required by this section, within one year of the effective date of the  
46 chapter of the laws of two thousand thirteen which added this paragraph  
47 shall be guilty of a class A misdemeanor and such person who unknowingly  
48 fails to validly register such weapon within such one year period shall  
49 be given a warning by an appropriate law enforcement authority about  
50 such failure and given thirty days in which to apply to register such  
51 weapon or to surrender it. A failure to apply or surrender such weapon  
52 within such thirty-day period shall result in such weapon being removed  
53 by an appropriate law enforcement authority and declared a nuisance.~~

~~54 16 b.] The cost of the software, programming and interface required to  
55 transmit any record that must be electronically transmitted by the deal-~~



1 er or licensing officer to the division of state police pursuant to this  
2 chapter shall be borne by the state.

3 § 13. Section 2509 of the surrogate's court procedure act is REPEALED.

4 § 14. Section 58 of chapter 1 of the laws of 2013 amending the crimi-  
5 nal procedure law and other laws relating to suspension and revocation  
6 of firearms licenses; private sale or disposal of firearms, rifles or  
7 shotguns and establishing a minimum age to possess a firearm, subdivi-  
8 sion b as amended by section 4 of part FF of chapter 57 of the laws of  
9 2013, is amended to read as follows:

10 § 58. This act shall take effect immediately; provided, however, that:

11 a. Sections one, two, three, four, five, [~~six, seven, eight, nine,~~  
12 ~~ten, [eleven, twelve,~~ thirteen, fourteen, fifteen, sixteen, seventeen,  
13 eighteen, nineteen, [~~twenty,~~ twenty-one, twenty-two, twenty-three,  
14 twenty-four, twenty-five, twenty-six, twenty-six-a, twenty-seven, twen-  
15 ty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three,  
16 thirty-four, thirty-five, thirty-six, thirty-nine, forty, [~~forty-one,~~  
17 ~~forty-one-a, forty-one-b,~~ forty-two, forty-three, forty-five, [~~forty-~~  
18 ~~six, forty-six-a, forty-seven, fifty-one,~~ fifty-two, [~~fifty-three,~~  
19 fifty-four, fifty-five, and fifty-six of this act shall take effect on  
20 the sixtieth day after it shall have become a law;

21 b. [~~The amendments to subdivision 23 of section 265.00 of the penal~~  
22 ~~law made by section thirty-eight of this act shall take effect on the~~  
23 ~~ninetieth day after this act shall have become a law, except that the~~  
24 ~~amendments designating paragraph (a) of subdivision 23 shall take effect~~  
25 ~~immediately, and provided further that the effective date of the amend-~~  
26 ~~ments adding paragraphs (b) and (c) to such subdivision shall be~~  
27 ~~suspended and not effective;~~

28 ~~e.]~~ The amendments to subdivision 1, paragraph (a) of subdivision 3,  
29 and subdivisions 4, 9, 10, 11, 12, 15, and 16-b of section 400.00 of the  
30 penal law made by section forty-eight of this act shall take effect one  
31 year after this act shall have become a law;

32 [~~d. The amendments to subdivision 16-a of section 400.00 of the penal~~  
33 ~~law made by section forty-eight of this act shall take effect on the~~  
34 ~~ninetieth day after this act shall have become a law;~~

35 ~~e. The amendments to sections 400.02 and 400.03 of the penal law made~~  
36 ~~by sections forty-nine and fifty of this act shall take effect one year~~  
37 ~~after it shall have become a law;]~~ and

38 [~~f.]~~ c. The amendments to subdivision (b) of section 9.47 and sections  
39 9.48 and 9.60 of the mental hygiene law made by sections twenty-one,  
40 twenty-two and twenty-three of this act shall not affect the expiration  
41 and repeal of such paragraph and sections and shall be deemed repealed  
42 therewith.

43 § 15. Severability. If any clause, sentence, paragraph, section or  
44 part of this act shall be adjudged by any court of competent jurisdic-  
45 tion to be invalid and after exhaustion of all further judicial review,  
46 the judgment shall not affect, impair or invalidate the remainder there-  
47 of, but shall be confined in its operation to the clause, sentence,  
48 paragraph, section or part of this act directly involved in the contro-  
49 versy in which the judgment shall have been rendered.

50 § 16. This act shall take effect immediately.