STATE OF NEW YORK

5256

2019-2020 Regular Sessions

IN ASSEMBLY

February 8, 2019

Introduced by M. of A. CARROLL -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to requiring social media and search engine reviews prior to the delivery of a rifle or shotgun

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 400.20 to read as follows:

§ 400.20 Social media account and search engine history review prior to the delivery of a rifle or shotgun.

1. Prior to the delivery of any rifle or shotgun sold by a licensed dealer to any person, the purchaser shall consent to have his or her social media accounts and search engine history reviewed and investigated by the police authority of the locality where such sale is made. After completion of the review pursuant to subdivision two of this section, the purchaser shall provide the licensed dealer with proof of his or her approval to purchase such rifle or shotgun.

2. In order to ascertain whether any social media account or search engine history of a purchaser of a rifle or shotgun presents any good cause for the denial of such purchase, the police authority of the locality where such sale is made shall, after obtaining the purchaser's consent pursuant to subdivision one of this section, and obtaining any log-in name, password or other means for accessing a personal account, service, or electronic communications device necessary to review such purchaser's social media accounts and search engine history, review a purchaser's social media accounts for the previous three years and search engine history for the previous year and investigate posts or searches related to (i) commonly known profane slurs or biased language used to describe the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person; (ii) threatening the health or safety of another person; (iii)

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

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an act of terrorism; or (iv) any other issue deemed necessary by the police authority. For the purposes of this section, "social media accounts" shall only include Facebook, Snapchat, Twitter and Instagram, and "search engine" shall only include Google, Yahoo and Bing. Upon completion of the investigation, the police authority shall report the results to the purchaser without unnecessary delay and, if appropriate, provide the purchaser with proof of approval to purchase such rifle or shotgun.

§ 2. This act shall take effect on the ninetieth 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.