

STATE OF NEW YORK

5348

2019-2020 Regular Sessions

IN ASSEMBLY

February 11, 2019

Introduced by M. of A. DiPIETRO, BARCLAY, PALMESANO, HAWLEY, RA, MONTES-
ANO, B. MILLER, KOLB, GIGLIO, NORRIS, BLANKENBUSH, CROUCH, LAWRENCE --
read once and referred 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 Assem-
bly, 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 certifi-
23 cation 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

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

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8 license that has not previously expired, been revoked or cancelled shall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

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

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