

STATE OF NEW YORK

7283

2019-2020 Regular Sessions

IN ASSEMBLY

April 18, 2019

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

AN ACT to amend the penal law, in relation to authorizing active or inactive members of the military to be eligible for a firearms license upon providing evidence of completion of firearms training while serving in the military

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

1 Section 1. Subdivision 1 of section 400.00 of the penal law, as
2 amended by chapter 1 of the laws of 2013, paragraph (c) as amended by
3 chapter 60 of the laws of 2018, is amended to read as follows:

4 1. Eligibility. No license shall be issued or renewed pursuant to this
5 section except by the licensing officer, and then only after investi-
6 gation and finding that all statements in a proper application for a
7 license are true; provided, however, that an active or inactive member
8 of the armed forces of the United States, including a member of the
9 national guard of the state of New York, shall be eligible for a license
10 upon submission of an application and such application shall be approved
11 without further investigation or findings if such active or inactive
12 member provides evidence that he or she has completed firearms training
13 while serving in the armed forces and is still an active member of the
14 armed forces or has been honorably discharged. No license shall be

15 issued or renewed except for an applicant (a) twenty-one years of age or
16 older, provided, however, that where such applicant has been honorably
17 discharged from the United States army, navy, marine corps, air force or
18 coast guard, or the national guard of the state of New York, no such age
19 restriction shall apply; (b) of good moral character; (c) who has not
20 been convicted anywhere of a felony or a serious offense or who is not
21 the subject of an outstanding warrant of arrest issued upon the alleged
22 commission of a felony or serious offense; (d) who is not a fugitive
23 from justice; (e) who is not an unlawful user of or addicted to any

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

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1 controlled substance as defined in section 21 U.S.C. 802; (f) who being
2 an alien (i) is not illegally or unlawfully in the United States or (ii)
3 has not been admitted to the United States under a nonimmigrant visa
4 subject to the exception in 18 U.S.C. 922(y)(2); (g) who has not been
5 discharged from the Armed Forces under dishonorable conditions; (h) who,
6 having been a citizen of the United States, has not renounced his or her
7 citizenship; (i) who has stated whether he or she has ever suffered any
8 mental illness; (j) who has not been involuntarily committed to a facil-
9 ity under the jurisdiction of an office of the department of mental
10 hygiene pursuant to article nine or fifteen of the mental hygiene law,
11 article seven hundred thirty or section 330.20 of the criminal procedure
12 law, section four hundred two or five hundred eight of the correction
13 law, section 322.2 or 353.4 of the family court act, or has not been
14 civilly confined in a secure treatment facility pursuant to article ten
15 of the mental hygiene law; (k) who has not had a license revoked or who
16 is not under a suspension or ineligibility order issued pursuant to the
17 provisions of section 530.14 of the criminal procedure law or section
18 eight hundred forty-two-a of the family court act; (l) in the county of
19 Westchester, who has successfully completed a firearms safety course and
20 test as evidenced by a certificate of completion issued in his or her
21 name and endorsed and affirmed under the penalties of perjury by a duly
22 authorized instructor, except that: (i) persons who are honorably
23 discharged from the United States army, navy, marine corps or coast
24 guard, or of the national guard of the state of New York, and produce
25 evidence of official qualification in firearms during the term of
26 service are not required to have completed those hours of a firearms
27 safety course pertaining to the safe use, carrying, possession, mainte-
28 nance and storage of a firearm; and (ii) persons who were licensed to
29 possess a pistol or revolver prior to the effective date of this para-
30 graph are not required to have completed a firearms safety course and
31 test; (m) who has not had a guardian appointed for him or her pursuant
32 to any provision of state law, based on a determination that as a result
33 of marked subnormal intelligence, mental illness, incapacity, condition
34 or disease, he or she lacks the mental capacity to contract or manage
35 his or her own affairs; and (n) concerning whom no good cause exists for
36 the denial of the license. No person shall engage in the business of
37 gunsmith or dealer in firearms unless licensed pursuant to this section.
38 An applicant to engage in such business shall also be a citizen of the
39 United States, more than twenty-one years of age and maintain a place of
40 business in the city or county where the license is issued. For such
41 business, if the applicant is a firm or partnership, each member thereof
42 shall comply with all of the requirements set forth in this subdivision
43 and if the applicant is a corporation, each officer thereof shall so
44 comply.

45 § 2. Subdivision 4-a of section 400.00 of the penal law, as added by
46 chapter 233 of the laws of 1980, is amended to read as follows:

47 4-a. Processing of license applications. Applications for licenses
48 shall be accepted for processing by the licensing officer at the time of
49 presentment. Except upon written notice to the applicant specifically
50 stating the reasons for any delay, in each case the licensing officer
51 shall act upon any application for a license pursuant to this section
52 within six months of the date of presentment of such an application to
53 the appropriate authority. Such delay may only be for good cause and
54 with respect to the applicant. In acting upon an application, the
55 licensing officer shall either deny the application for reasons specif-
56 ically and concisely stated in writing or grant the application and

1 issue the license applied for. An application for a license pursuant to
2 this section for any active or inactive member of the armed forces of
3 the United States shall be acted upon by the licensing officer within
4 thirty days of the date of submission of such application to the appro-
5 priate authority.

6 § 3. This act shall take effect on the thirtieth day after it shall
7 have become a law.