

# STATE OF NEW YORK

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7752

2019-2020 Regular Sessions

## IN ASSEMBLY

May 20, 2019

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

AN ACT to amend the penal law, in relation to the transport of pistols or revolvers by licensees

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

1 Section 1. Subdivision 6 of section 400.00 of the penal law, as  
2 amended by chapter 318 of the laws of 2002, is amended to read as  
3 follows:  
4 6. License: validity. Any license issued pursuant to this section  
5 shall be valid notwithstanding the provisions of any local law or ordi-  
6 nance. No license shall be transferable to any other person or prem-  
7 ises. A license to carry or possess a pistol or revolver, not otherwise  
8 limited as to place or time of possession, shall be effective throughout  
9 the state, except that the same shall not be valid within the city of  
10 New York unless a special permit granting validity is issued by the  
11 police commissioner of that city. Such license to carry or possess shall  
12 be valid within the city of New York in the absence of a permit issued  
13 by the police commissioner of that city, provided that (a) the firearms  
14 covered by such license have been purchased from a licensed dealer with-  
15 in the city of New York and are being transported out of said city  
16 forthwith and immediately from said dealer by the licensee in a locked  
17 container during a continuous and uninterrupted trip; or provided that  
18 (b) the firearms covered by such license are being transported by the  
19 licensee in a locked container and the trip through the city of New York  
20 is continuous and uninterrupted; or provided that (c) the firearms  
21 covered by such license are carried by armored car security guards  
22 transporting money or other valuables, in, to, or from motor vehicles  
23 commonly known as armored cars, during the course of their employment;  
24 or provided that (d) the licensee is a retired police officer as police  
25 officer is defined pursuant to subdivision thirty-four of section 1.20

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

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1 of the criminal procedure law or a retired federal law enforcement offi-  
2 cer, as defined in section 2.15 of the criminal procedure law, who has  
3 been issued a license by an authorized licensing officer as defined in  
4 subdivision ten of section 265.00 of this chapter; provided, further,  
5 however, that if such license was not issued in the city of New York it  
6 must be marked "Retired Police Officer" or "Retired Federal Law Enforce-  
7 ment Officer", as the case may be, and, in the case of a retired officer  
8 the license shall be deemed to permit only police or federal law  
9 enforcement regulations weapons; or provided that (e) the licensee is a  
10 peace officer described in subdivision four of section 2.10 of the crim-  
11 inal procedure law and the license, if issued by other than the city of  
12 New York, is marked "New York State Tax Department Peace Officer" and in  
13 such case the exemption shall apply only to the firearm issued to such  
14 licensee by the department of taxation and finance. A license as  
15 gunsmith or dealer in firearms shall not be valid outside the city or  
16 county, as the case may be, where issued. Notwithstanding any inconsis-  
17 ent provision of state or local law or rule or regulation, the premises  
18 limitation set forth in any license to have and possess a pistol or  
19 revolver in the licensee's dwelling or place of business pursuant to  
20 paragraph (a) or (b) of subdivision two of this section shall not  
21 prevent the transport of such pistol or revolver directly to or from (i)  
22 another dwelling or place of business of the licensee where the licensee  
23 is authorized to have and possess such pistol or revolver, (ii) an  
24 indoor or outdoor shooting range that is authorized by law to operate as  
25 such, (iii) a shooting competition at which the licensee may possess  
26 such pistol or revolver consistent with the provisions of subdivision a  
27 of section 265.20 of this chapter or consistent with the law applicable  
28 at the place of such competition, or (iv) any other location where the  
29 licensee is lawfully authorized to have and possess such pistol or  
30 revolver; provided however, that during such transport to or from a  
31 location specified in clauses (i) through (iv) of this paragraph, the  
32 pistol or revolver shall be unloaded and carried in a locked container,  
33 and the ammunition therefor shall be carried separately; provided  
34 further, however, that a license to have and possess a pistol or revol-  
35 ver in the licensee's dwelling or place of business pursuant to para-  
36 graph (a) or (b) of subdivision two of this section that is issued by a  
37 licensing officer other than the police commissioner of the city of New  
38 York shall not authorize transport of a pistol or revolver into the city  
39 of New York in the absence of written authorization to do so by the  
40 police commissioner of that city. The term "locked container" shall not  
41 include the glove compartment or console of a vehicle.

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

49 § 3. This act shall take effect immediately.