

# STATE OF NEW YORK

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95

2019-2020 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 9, 2019

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Introduced by M. of A. PERRY -- Multi-Sponsored by -- M. of A. AUBRY --  
read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to requiring proof of liability insurance prior to the issuance of a license to carry a firearm

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 and 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. No license shall be issued or renewed except for an  
8 applicant (a) twenty-one years of age or older, provided, however, that  
9 where such applicant has been honorably discharged from the United  
10 States army, navy, marine corps, air force or coast guard, or the  
11 national guard of the state of New York, no such age restriction shall  
12 apply; (b) of good moral character; (c) who has not been convicted  
13 anywhere of a felony or a serious offense or who is not the subject of  
14 an outstanding warrant of arrest issued upon the alleged commission of a  
15 felony or serious offense; (d) who is not a fugitive from justice; (e)  
16 who is not an unlawful user of or addicted to any controlled substance  
17 as defined in section 21 U.S.C. 802; (f) who being an alien (i) is not  
18 illegally or unlawfully in the United States or (ii) has not been admit-  
19 ted to the United States under a nonimmigrant visa subject to the excep-  
20 tion in 18 U.S.C. 922(y)(2); (g) who has not been discharged from the  
21 Armed Forces under dishonorable conditions; (h) who, having been a citi-  
22 zen of the United States, has not renounced his or her citizenship; (i)  
23 who has stated whether he or she has ever suffered any mental illness;  
24 (j) who has not been involuntarily committed to a facility under the

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

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1 jurisdiction of an office of the department of mental hygiene pursuant  
2 to article nine or fifteen of the mental hygiene law, article seven  
3 hundred thirty or section 330.20 of the criminal procedure law, section  
4 four hundred two or five hundred eight of the correction law, section  
5 322.2 or 353.4 of the family court act, or has not been civilly confined  
6 in a secure treatment facility pursuant to article ten of the mental  
7 hygiene law; (k) who has not had a license revoked or who is not under a  
8 suspension or ineligibility order issued pursuant to the provisions of  
9 section 530.14 of the criminal procedure law or section eight hundred  
10 forty-two-a of the family court act; (l) in the county of Westchester,  
11 who has successfully completed a firearms safety course and test as  
12 evidenced by a certificate of completion issued in his or her name and  
13 endorsed and affirmed under the penalties of perjury by a duly author-  
14 ized instructor, except that: (i) persons who are honorably discharged  
15 from the United States army, navy, marine corps or coast guard, or of  
16 the national guard of the state of New York, and produce evidence of  
17 official qualification in firearms during the term of service are not  
18 required to have completed those hours of a firearms safety course  
19 pertaining to the safe use, carrying, possession, maintenance and stor-  
20 age of a firearm; and (ii) persons who were licensed to possess a pistol  
21 or revolver prior to the effective date of this paragraph are not  
22 required to have completed a firearms safety course and test; (m) who  
23 has not had a guardian appointed for him or her pursuant to any  
24 provision of state law, based on a determination that as a result of  
25 marked subnormal intelligence, mental illness, incapacity, condition or  
26 disease, he or she lacks the mental capacity to contract or manage his  
27 or her own affairs; ~~and~~ (n) who submits proof of personal liability  
28 insurance; and (o) concerning whom no good cause exists for the denial  
29 of the license. No person shall engage in the business of gunsmith or  
30 dealer in firearms unless licensed pursuant to this section. An appli-  
31 cant to engage in such business shall also be a citizen of the United  
32 States, more than twenty-one years of age and maintain a place of busi-  
33 ness in the city or county where the license is issued. For such busi-  
34 ness, if the applicant is a firm or partnership, each member thereof  
35 shall comply with all of the requirements set forth in this subdivision  
36 and if the applicant is a corporation, each officer thereof shall so  
37 comply.

38 § 2. This act shall take effect on the first of November next succeed-  
39 ing the date on which it shall have become a law and shall apply to  
40 licenses issued or renewed on or after such date.