STATE OF NEW YORK

205

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to allowing victims of domestic violence to carry or possess firearms without a license

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

Section 1. Section 400.00 of the penal law is amended by adding a new subdivision 18 to read as follows:

18. Carrying or possessing a firearm with a valid order of protection. (a) The provisions of this section and article two hundred sixty-five of this chapter relating to the illegal carrying or possession of a firearm shall not apply to a person:

(i) over the age of twenty-one years old;

(ii) protected by an order of protection issued due to such person being a victim of a family offense, as described in subdivision one of section 530.11 of the criminal procedure law;

(iii) who has an application pending for a license to carry or possess the firearm they are carrying or possessing;

(iv) is carrying or possessing the firearm in a manner that would be legal if the license that is being applied for had been issued; and

(v) has a good faith belief that they will be granted such license.

(b) Upon a person applying for a license to carry or possess a firearm, such person may request a certified copy of the application upon its submission. The certified copy shall contain a date which is forty-five days from the date of the application. The applicant can return to where the application was submitted and request a new certified copy of the application with a date forty-five days from the date of such request at any time before the license is issued or the application is denied. The certified copy of the application will not be valid

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

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for use by the applicant under paragraph (c) of this subdivision past the date listed on it.

(c) While a person allowed under this subdivision to carry or possess a firearm is carrying or possessing such firearm, they shall carry the order of protection and an unexpired certified copy of the application which allows for them to carry or possess the firearm as well as state issued photo identification. Failure to do so is a violation punishable by a fine up to twenty-five dollars.

§ 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.