STATE OF NEW YORK

S. 2449 A. 2685

2019-2020 Regular Sessions

SENATE - ASSEMBLY

January 24, 2019

IN SENATE -- Introduced by Sens. MAYER, STEWART-COUSINS, ADDABBO, BAILEY, BENJAMIN, BIAGGI, BRESLIN, BROOKS, CARLUCCI, COMRIE, GAUGHRAN, GIANARIS, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, KAMINSKY, KAPLAN, KAVANAGH, KRUEGER, LIU, MONTGOMERY, MYRIE, PARKER, PERSAUD, RAMOS, SALAZAR, SAVINO, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

IN ASSEMBLY -- Introduced by M. of A. L. ROSENTHAL, HEASTIE, LENTOL, PEOPLES-STOKES, GOTTFRIED, ABINANTI, JAFFEE, WEPRIN, CRUZ, FRONTUS, GRIFFIN, JACOBSON, PICHARDO, REYES, SAYEGH, STECK, STERN -- read once and referred to the Committee on Codes

AN ACT to amend the executive law, in relation to establishing the municipal gun buyback program; and to amend the state finance law, in relation to the municipal gun buyback program fund

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

Section 1. The executive law is amended by adding a new section 233 to read as follows:

§ 233. Municipal gun buyback program. 1. There is hereby established within the division of the state police a municipal gun buyback program. Agencies approved by the superintendent may participate subject to available appropriations and funds in the municipal gun buyback fund established pursuant to section ninety-seven-cc of the state finance law.

2. The division of state police shall administer the municipal gun buyback program and promulgate rules and regulations the superintendent deems necessary for the implementation of such program. Such rules shall include, but not be limited to:

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

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(a) the manner in which an agency may apply for funds to support a municipal gun buyback program and the manner in which such funds will be allocated and distributed;

(b) guidelines for the safe storage and disposal of firearms, rifles, shotguns, and ammunition received as part of the program in the possession of the participating agency, return of any recovered stolen property to its rightful owner as appropriate, and retention for evidence of any firearm, rifle, or shotgun suspected to have been used in a crime;

(c) guidelines for an agency participating in the program to coordinate with community groups within its jurisdiction; and

(d) guidelines for allowing individuals to surrender firearms, rifles and shotguns and eligibility for monetary rewards.

3. The provisions of subparagraph (f) of paragraph one of subdivision a of section 265.20 of the penal law shall apply to any person voluntarily surrendering a firearm, rifle or shotgun pursuant to this section.

4. Any agency shall be authorized to develop and implement its own municipal gun buyback program provided it is otherwise permitted by law and conforms to the rules and regulations promulgated by the superintendent and outlined in subdivision two of this section.

5. For purposes of this section "agency" means the police force or department of any county, city, town, or village or a county sheriff.

§ 2. The state finance law is amended by adding a new section 97-cc to read as follows:

§ 97-cc. Municipal gun buyback program fund. 1. There is hereby established, in the joint custody of the comptroller and the commissioner of taxation and finance a fund to be known as the municipal gun buyback program fund.

2. Such fund shall consist of all moneys appropriated for the purpose of such fund, all other moneys required to be paid into, transferred or credited to such fund, and all moneys received by the fund or donated to it.

3. Moneys of the municipal gun buyback program fund shall be solely available, following appropriation by the legislature and in accordance with law to assist agencies, as defined in section two hundred thirty-three of the executive law, to operate buyback programs according to the rules and regulations of the superintendent of the state police.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.