

# STATE OF NEW YORK

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6160

2019-2020 Regular Sessions

## IN SENATE

May 21, 2019

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Introduced by Sen. BIAGGI -- 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 local and state law enforcement's access to records of applications for licenses of firearms

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

1 Section 1. Subparagraph (iii) of paragraph (e) of subdivision 5 of  
2 section 400.00 of the penal law, as added by chapter 1 of the laws of  
3 2013, is amended to read as follows:

4 (iii) If an exception is sought and granted pursuant to paragraph (b)  
5 of this subdivision, the application information shall not be public  
6 record, unless the request is determined to be null and void. If an  
7 exception is sought and granted pursuant to paragraph (c) of this subdi-  
8 vision, the information concerning such recertification application  
9 shall not be public record, unless the request is determined to be null  
10 and void. Notwithstanding the foregoing provisions of this subpara-  
11 graph, local and state law enforcement shall, upon request, be granted  
12 access to and copies of such application information provided that such  
13 information obtained by law enforcement pursuant to this subparagraph  
14 shall not be considered a public record of such law enforcement agency.

15 § 2. Section 400.02 of the penal law, as added by chapter 1 of the  
16 laws of 2013, is amended to read as follows:

17 § 400.02 Statewide license and record database.

18 There shall be a statewide license and record database which shall be  
19 created and maintained by the division of state police the cost of which  
20 shall not be borne by any municipality. Records assembled or collected  
21 for purposes of inclusion in such database shall not be subject to  
22 disclosure pursuant to article six of the public officers law. Records  
23 containing granted license applications shall be periodically checked by  
24 the division of criminal justice services against criminal conviction,

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

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1 mental health, and all other records as are necessary to determine their  
2 continued accuracy as well as whether an individual is no longer a valid  
3 license holder. The division of criminal justice services shall also  
4 check pending applications made pursuant to this article against such  
5 records to determine whether a license may be granted. All state agen-  
6 cies shall cooperate with the division of criminal justice services, as  
7 otherwise authorized by law, in making their records available for such  
8 checks. The division of criminal justice services, upon determining that  
9 an individual is ineligible to possess a license, or is no longer a  
10 valid license holder, shall notify the applicable licensing official of  
11 such determination and such licensing official shall not issue a license  
12 or revoke such license and any weapons owned or possessed by such indi-  
13 vidual shall be removed consistent with the provisions of subdivision  
14 eleven of section 400.00 of this article. Local and state law enforce-  
15 ment shall have access to such database[~~7, as otherwise authorized by~~  
16 ~~law,~~] in the performance of their duties. Records assembled or collected  
17 for purposes of inclusion in the database established by this section  
18 shall be released pursuant to a court order.

19 § 3. This act shall take effect immediately.