

STATE OF NEW YORK

6598

2019-2020 Regular Sessions

IN SENATE

June 17, 2019

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

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 a chapter of the laws of 2019, amending the penal law relat-
3 ing to the transport of pistols or revolvers by licensees, as proposed
4 in legislative bill numbers S. 6151 and A. 7752, is amended to read as
5 follows:

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

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

LBD11086-03-9

1 or provided that (d) the licensee is a retired police officer as police
2 officer is defined pursuant to subdivision thirty-four of section 1.20
3 of the criminal procedure law or a retired federal law enforcement offi-
4 cer, as defined in section 2.15 of the criminal procedure law, who has
5 been issued a license by an authorized licensing officer as defined in
6 subdivision ten of section 265.00 of this chapter; provided, further,
7 however, that if such license was not issued in the city of New York it
8 must be marked "Retired Police Officer" or "Retired Federal Law Enforce-
9 ment Officer", as the case may be, and, in the case of a retired officer
10 the license shall be deemed to permit only police or federal law
11 enforcement regulations weapons; or provided that (e) the licensee is a
12 peace officer described in subdivision four of section 2.10 of the crim-
13 inal procedure law and the license, if issued by other than the city of
14 New York, is marked "New York State Tax Department Peace Officer" and in
15 such case the exemption shall apply only to the firearm issued to such
16 licensee by the department of taxation and finance. A license as
17 gunsmith or dealer in firearms shall not be valid outside the city or
18 county, as the case may be, where issued. Notwithstanding any inconsis-
19 tent provision of state or local law or rule or regulation, the premises
20 limitation set forth in any license to have and possess a pistol or
21 revolver in the licensee's dwelling or place of business pursuant to
22 paragraph (a) or (b) of subdivision two of this section shall not
23 prevent the transport of such pistol or revolver directly to or from (i)
24 another dwelling or place of business of the licensee where the licensee
25 is authorized to have and possess such pistol or revolver, (ii) an
26 indoor or outdoor shooting range that is authorized by law to operate as
27 such, (iii) a shooting competition at which the licensee may possess
28 such pistol or revolver consistent with the provisions of subdivision a
29 of section 265.20 of this chapter or consistent with the law applicable
30 at the place of such competition, or (iv) any other location where the
31 licensee is lawfully authorized to have and possess such pistol or
32 revolver; provided however, that during such transport to or from a
33 location specified in clauses (i) through (iv) of this paragraph, the
34 pistol or revolver shall be unloaded and carried in a locked container,
35 and the ammunition therefor shall be carried separately; provided
36 further, however, that a license to have and possess a pistol or revol-
37 ver in the licensee's dwelling or place of business pursuant to para-
38 graph (a) or (b) of subdivision two of this section that is issued by a
39 licensing officer other than the police commissioner of the city of New
40 York shall not authorize transport of a pistol or revolver [~~into~~ to or
41 from a destination within the city of New York in the absence of written
42 authorization to do so by the police commissioner of that city; and
43 provided further that transport of a pistol or revolver through the city
44 of New York that is continuous and uninterrupted shall not require such
45 written authorization. The term "locked container" shall not include the
46 glove compartment or console of a vehicle.

47 § 2. This act shall take effect on the same date and in the same
48 manner as a chapter of the laws of 2019, amending the penal law relating
49 to the transport of pistols or revolvers by licensees, as proposed in
50 legislative bill numbers S. 6151 and A. 7752, takes effect.