

# STATE OF NEW YORK

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3993

2019-2020 Regular Sessions

## IN SENATE

February 22, 2019

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Introduced by Sen. GALLIVAN -- 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 extending the deadline for recertification of licenses to carry or possess a pistol or revolver

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

1 Section 1. Subdivision 10 of section 400.00 of the penal law, as  
2 amended by chapter 1 of the laws of 2013, is amended to read as follows:  
3 10. License: expiration, certification and renewal. (a) Any license  
4 for gunsmith or dealer in firearms and, in the city of New York, any  
5 license to carry or possess a pistol or revolver, issued at any time  
6 pursuant to this section or prior to the first day of July, nineteen  
7 hundred sixty-three and not limited to expire on an earlier date fixed  
8 in the license, shall expire not more than three years after the date of  
9 issuance. In the counties of Nassau, Suffolk and Westchester, any  
10 license to carry or possess a pistol or revolver, issued at any time  
11 pursuant to this section or prior to the first day of July, nineteen  
12 hundred sixty-three and not limited to expire on an earlier date fixed  
13 in the license, shall expire not more than five years after the date of  
14 issuance; however, in the county of Westchester, any such license shall  
15 be certified prior to the first day of April, two thousand, in accord-  
16 ance with a schedule to be contained in regulations promulgated by the  
17 commissioner of the division of criminal justice services, and every  
18 such license shall be recertified every five years thereafter. For  
19 purposes of this section certification shall mean that the licensee  
20 shall provide to the licensing officer the following information only:  
21 current name, date of birth, current address, and the make, model, cali-  
22 ber and serial number of all firearms currently possessed. Such certif-  
23 ication information shall be filed by the licensing officer in the same  
24 manner as an amendment. Elsewhere than in the city of New York and the  
25 counties of Nassau, Suffolk and Westchester, any license to carry or

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

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1 possess a pistol or revolver, issued at any time pursuant to this  
2 section or prior to the first day of July, nineteen hundred sixty-three  
3 and not previously revoked or cancelled, shall be in force and effect  
4 until revoked as herein provided. Any license not previously cancelled  
5 or revoked shall remain in full force and effect for thirty days beyond  
6 the stated expiration date on such license. Any application to renew a  
7 license that has not previously expired, been revoked or cancelled shall  
8 thereby extend the term of the license until disposition of the applica-  
9 tion by the licensing officer. In the case of a license for gunsmith or  
10 dealer in firearms, in counties having a population of less than two  
11 hundred thousand inhabitants, photographs and fingerprints shall be  
12 submitted on original applications and upon renewal thereafter only at  
13 six year intervals. Upon satisfactory proof that a currently valid  
14 original license has been despoiled, lost or otherwise removed from the  
15 possession of the licensee and upon application containing an additional  
16 photograph of the licensee, the licensing officer shall issue a dupli-  
17 cate license.

18 (b) All licensees shall be recertified to the division of state police  
19 every five years thereafter. Any license issued before the effective  
20 date of the chapter of the laws of two thousand thirteen which added  
21 this paragraph shall be recertified by the licensee on or before [~~Janu-~~  
22 ~~ary thirty-first, two thousand eighteen~~] July thirty-first, two thousand  
23 twenty, and not less than one year prior to such date, the state police  
24 shall send a notice to all license holders who have not recertified by  
25 such time. Such recertification shall be in a form as approved by the  
26 superintendent of state police, which shall request the license holder's  
27 name, date of birth, gender, race, residential address, social security  
28 number, firearms possessed by such license holder, email address at the  
29 option of the license holder and an affirmation that such license holder  
30 is not prohibited from possessing firearms. The form may be in an elec-  
31 tronic form if so designated by the superintendent of state police.  
32 Failure to recertify shall act as a revocation of such license. If the  
33 New York state police discover as a result of the recertification proc-  
34 ess that a licensee failed to provide a change of address, the New York  
35 state police shall not require the licensing officer to revoke such  
36 license.

37 § 2. This act shall take effect immediately and shall be deemed to  
38 have been in full force and effect on and after January 31, 2018.