

# STATE OF NEW YORK

9635

## IN ASSEMBLY

March 28, 2022

Introduced by M. of A. WALCZYK -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to expenses borne by counties outside of the city of New York for the issuance and maintenance of record books utilized by authorized gunsmiths in the sale and disposition of firearms in the state

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

1 Section 1. Legislative findings and declaration. As part of New York's  
2 firearms licensing law, section 400.00 of the penal law requires  
3 gunsmiths and licensed firearms dealers to maintain a record of all  
4 transactions involving firearms. These requirements are contained in  
5 subdivision 12 of section 400.00 of the penal law. In order to buy a  
6 firearm the purchaser must produce a license authorizing possession of  
7 the weapon or show authorization to carry the weapon by virtue of their  
8 peace officer or police officer status. Within ten days of sale, section  
9 400.00 of the penal law requires the seller to send a "transaction  
10 report" to the Division of State Police. An original of the report is  
11 retained in a record book to be kept on premises while the statute is  
12 silent as to who is responsible for distributing the record books to the  
13 firearms dealers, subdivision 13 of section 400.00 of the penal law has  
14 been interpreted since 1987 as requiring County governments outside of  
15 the City of New York, and the City of New York within the City, as  
16 financially responsible for the expenses related to and the management  
17 of the issuance of, the record books referenced in subdivision 12 of  
18 section 400.00 of the penal law. Since the emergence of on-line retail  
19 sales of firearms, the demand for, and cost of, firearms record books  
20 has grown as an unfunded mandate on counties related solely to an activ-  
21 ity associated with the State Police of New York. As such, this amend-  
22 ment seeks to modify the law to require the expense associated with  
23 these record books be borne by the State of New York as incidental to  
24 the functions required to be performed by the New York State Police.

25 § 2. Subdivision 13 of section 400.00 of the penal law is amended to  
26 read as follows:

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

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1 13. Expenses. The expense of providing a licensing officer with blank  
2 applications, licenses and record books for carrying out the provisions  
3 of this section shall be a charge against the [~~county, and in the city~~  
4 ~~of New York against the city~~] state by and through the division of state  
5 police.

6 § 3. This act shall take effect immediately.