

# STATE OF NEW YORK

1235--A

2021-2022 Regular Sessions

## IN SENATE

January 8, 2021

Introduced by Sens. GIANARIS, ADDABBO, BIAGGI, BRESLIN, GAUGHRAN, JACKSON, KAPLAN, KRUEGER, RIVERA, SEPULVEDA, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to establishing a waiting period for the purchase of a firearm

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

1 Section 1. The general business law is amended by adding a new article  
2 38-B to read as follows:

### ARTICLE 38-B

#### WAITING PERIOD FOR PURCHASE OF FIREARMS

##### Section 825. Definitions.

826. Waiting period.

827. Exemptions.

828. Penalty.

##### § 825. Definitions. As used in this section:

11 1. "Dealer in firearms" has the same meaning as that term is defined  
12 in subdivision nine of section 265.00 of the penal law.

13 2. "Firearm" has the same meaning as that term is defined in subdivi-  
14 sion three of section 265.00 of the penal law.

15 § 826. Waiting period. No dealer in firearms shall deliver any  
16 firearm, and no person shall take possession of any firearm from a deal-  
17 er in firearms unless:

18 1. ten days have elapsed from the date such dealer initiated the  
19 national instant criminal background check of the purchaser as required  
20 by 18 U.S.C. § 922(t), after receiving a completed federal Firearms  
21 Transaction Record, Form 4473, from the purchaser; and

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

LBD03103-02-2

1 2. such dealer has received notice that the purchaser has passed all  
2 background checks required by federal, state and local law.

3 § 827. Exemptions. Section eight hundred twenty-six of this article  
4 shall not apply to:

5 1. any law enforcement or correctional agency, or police officer or  
6 corrections officer acting within the course or scope of his or her  
7 employment;

8 2. any federal officer or employee authorized to possess or carry a  
9 firearm in the course of his or her duties, and any member of the armed  
10 forces of the United States or the national guard;

11 3. any manufacturer, distributor or dealer of firearms when trans-  
12 ferring weapons to a manufacturer, distributor or dealer;

13 4. any gunsmith licensed pursuant to section 400.00 of the penal law,  
14 receiving a firearm for service or repair;

15 5. any common carrier or other person engaged, in the course of its  
16 business, in the business of storing or transporting goods; and

17 6. firearms loaned or leased solely for use as a prop in a motion  
18 picture, streaming, television, video, theatrical, or other production  
19 or event when the firearm is not loaded with ammunition and the loan or  
20 lease is made by a licensed dealer in firearms in the state of New York.  
21 Ammunition shall not include blank ammunition consisting of a charge and  
22 no projectile.

23 § 828. Penalty. Any person who violates the provisions of this article  
24 shall be guilty of a class A misdemeanor.

25 § 2. This act shall take effect on the first of January next succeed-  
26 ing the date on which it shall have become a law.