

# STATE OF NEW YORK

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1370

2021-2022 Regular Sessions

## IN SENATE

January 11, 2021

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Introduced by Sens. BROOKS, TEDISCO -- 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 licenses to carry and  
possess firearms for retired police officers

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

1 Section 1. Subdivision 4-a of section 400.00 of the penal law, as  
2 added by chapter 233 of the laws of 1980, is amended to read as follows:

3 4-a. Processing of license applications. (a) Applications for licenses  
4 shall be accepted for processing by the licensing officer at the time of  
5 presentment. Except upon written notice to the applicant specifically  
6 stating the reasons for any delay, in each case the licensing officer  
7 shall act upon any application for a license pursuant to this section  
8 within six months of the date of presentment of such an application to  
9 the appropriate authority. Such delay may only be for good cause and  
10 with respect to the applicant. In acting upon an application, the  
11 licensing officer shall either deny the application for reasons specif-  
12 ically and concisely stated in writing or grant the application and  
13 issue the license applied for. Application by a retired police officer,  
14 who submits an application containing a certification or attestation  
15 from the law enforcement agency or department from which he or she  
16 retired in good standing, shall be presumptive evidence as to the  
17 fitness and qualification to carry and possess firearms. Provided,  
18 however, the application containing a certification or attestation must  
19 be filed with the licensing officer within ninety days of the police  
20 officer's date of retirement. The licensing authority with jurisdiction  
21 in the county or city having a population of less than one million,  
22 shall issue a license to carry and possess a pistol or revolver pursuant  
23 to this section within sixty days of a retired police officer appli-  
24 cant's submission and such license shall authorize the licensee to carry  
25 and possess firearms in every county and city in this state.

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

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1     (b) For the purposes of this section, "retired police officer" shall  
2     mean a former police officer, as defined in subdivision thirty-four of  
3     section 1.20 of the criminal procedure law, who upon separation from a  
4     law enforcement agency or department was immediately entitled to receive  
5     retirement benefits under the provisions of the retirement and social  
6     security law or the administrative code of the city of New York.

7     § 2. This act shall take effect immediately.