

STATE OF NEW YORK

3636

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

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

AN ACT to amend the criminal procedure law, the family court act, the domestic relations law, the general business law, the judiciary law, the mental hygiene law, the penal law and the surrogate's court procedure act, in relation to limiting the application of certain provisions of law relating to firearms to the counties of Kings, Queens, Richmond, New York and Bronx; and to repeal section 400.02 of the penal law relating to the statewide license and record database

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

1 Section 1. Subdivision 2-a of section 330.20 of the criminal procedure
2 law, as added by chapter 1 of the laws of 2013, is amended to read as
3 follows:
4 2-a. Firearm, rifle or shotgun surrender order in certain counties.
5 [~~Upon~~] In the counties of Kings, Queens, Richmond, New York and Bronx,
6 upon entry of a verdict of not responsible by reason of mental disease
7 or defect, or upon the acceptance of a plea of not responsible by reason
8 of mental disease or defect, or upon a finding that the defendant is an
9 incapacitated person pursuant to article seven hundred thirty of this
10 chapter, the court shall revoke the defendant's firearm license, if any,
11 inquire of the defendant as to the existence and location of any
12 firearm, rifle or shotgun owned or possessed by such defendant and
13 direct the surrender of such firearm, rifle or shotgun pursuant to
14 subparagraph (f) of paragraph one of subdivision a of section 265.20 and
15 subdivision six of section 400.05 of the penal law.
16 § 2. Section 380.96 of the criminal procedure law, as added by chapter
17 1 of the laws of 2013, is amended to read as follows:
18 § 380.96 Obligation of sentencing court in certain counties pursuant to
19 article four hundred of the penal law.

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

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1 ~~[Upon]~~ In the counties of Kings, Queens, Richmond, New York and Bronx,
2 upon judgment of conviction of any offense which would require the
3 seizure of firearms, shotguns or rifles from an individual so convicted,
4 and the revocation of any license or registration issued pursuant to
5 article four hundred of the penal law, the judge pronouncing sentence
6 shall demand surrender of any such license or registration and all
7 firearms, shotguns and rifles. The failure to so demand surrender shall
8 not effect the validity of any revocation pursuant to article four
9 hundred of the penal law.

10 § 3. Subdivisions 1, 2 and 3 of section 842-a of the family court act,
11 as amended by chapter 60 of the laws of 2018, paragraphs (a) and (b) of
12 subdivision 1 as amended and paragraph (c) as added by section 8 of part
13 M, paragraphs (a) and (b) of subdivision 2 as amended and paragraph (c)
14 as added by section 9 of part M, and paragraphs (a) and (b) of subdivi-
15 sion 3 as amended and paragraph (c) as added by section 10 of part M of
16 chapter 55 of the laws of 2020, are amended to read as follows:

17 1. ~~[Suspension]~~ Mandatory and permissive suspension of firearms
18 license and ineligibility for such a license upon the issuance of a
19 temporary order of protection. Whenever a temporary order of protection
20 is issued pursuant to section eight hundred twenty-eight of this arti-
21 cle, or in the counties of Kings, Queens, Richmond, New York and Bronx,
22 pursuant to article four, five, six, seven or ten of this act:

23 (a) the court shall suspend any such existing license possessed by the
24 respondent, order the respondent ineligible for such a license, and
25 order the immediate surrender ~~[pursuant to subparagraph (f) of paragraph~~
26 ~~one of subdivision a of section 265.20 and subdivision six of section~~
27 ~~400.05 of the penal law,~~] of any or all firearms, rifles and shotguns
28 owned or possessed where the court receives information that gives the
29 court good cause to believe that: (i) the respondent has a prior
30 conviction of any violent felony offense as defined in section 70.02 of
31 the penal law; (ii) the respondent has previously been found to have
32 willfully failed to obey a prior order of protection and such willful
33 failure involved (A) the infliction of physical injury, as defined in
34 subdivision nine of section 10.00 of the penal law, (B) the use or
35 threatened use of a deadly weapon or dangerous instrument as those terms
36 are defined in subdivisions twelve and thirteen of section 10.00 of the
37 penal law, or (C) behavior constituting any violent felony offense as
38 defined in section 70.02 of the penal law; or (iii) the respondent has a
39 prior conviction for stalking in the first degree as defined in section
40 120.60 of the penal law, stalking in the second degree as defined in
41 section 120.55 of the penal law, stalking in the third degree as defined
42 in section 120.50 of the penal law or stalking in the fourth degree as
43 defined in section 120.45 of such law;

44 (b) the court may and, in the counties of Kings, Queens, Richmond, New
45 York and Bronx, shall where the court finds a substantial risk that the
46 respondent may use or threaten to use a firearm, rifle or shotgun unlaw-
47 fully against the person or persons for whose protection the temporary
48 order of protection is issued, suspend any such existing license
49 possessed by the respondent, order the respondent ineligible for such a
50 license, and order the immediate surrender ~~[pursuant to subparagraph (f)~~
51 ~~of paragraph one of subdivision a of section 265.20 and subdivision six~~
52 ~~of section 400.05 of the penal law,~~] of any or all firearms, rifles and
53 shotguns owned or possessed; and

54 (c) the court may where the defendant willfully refuses to surrender
55 such firearm, rifle or shotgun pursuant to paragraphs (a) and (b) of
56 this subdivision, or for other good cause shown, order the immediate

1 seizure of such firearm, rifle or shotgun, and search therefor, pursuant
2 to an order issued in accordance with article six hundred ninety of the
3 criminal procedure law, consistent with such rights as the defendant may
4 derive from this article or the constitution of this state or the United
5 States.

6 2. [~~Revocation~~] Mandatory and permissive revocation or suspension of
7 firearms license and ineligibility for such a license upon the issuance
8 of an order of protection. Whenever an order of protection is issued
9 pursuant to section eight hundred forty-one of this part, or in the
10 county of Kings, Queens, Richmond, New York or Bronx, pursuant to arti-
11 cle four, five, six, seven or ten of this act:

12 (a) the court shall revoke any such existing license possessed by the
13 respondent, order the respondent ineligible for such a license, and
14 order the immediate surrender [~~pursuant to subparagraph (f) of paragraph~~
15 ~~one of subdivision a of section 265.20 and subdivision six of section~~
16 ~~400.05 of the penal law,~~] of any or all firearms, rifles and shotguns
17 owned or possessed where the court finds that the conduct which resulted
18 in the issuance of the order of protection involved (i) the infliction
19 of serious physical injury, as defined in subdivision [~~nine~~] ten of
20 section 10.00 of the penal law, (ii) the use or threatened use of a
21 deadly weapon or dangerous instrument as those terms are defined in
22 subdivisions twelve and thirteen of section 10.00 of the penal law, or
23 (iii) behavior constituting any violent felony offense as defined in
24 section 70.02 of the penal law;

25 (b) the court may and, in the counties of Kings, Queens, Richmond, New
26 York and Bronx, shall, where the court finds a substantial risk that the
27 respondent may use or threaten to use a firearm, rifle or shotgun unlaw-
28 fully against the person or persons for whose protection the order of
29 protection is issued, (i) revoke any such existing license possessed by
30 the respondent, order the respondent ineligible for such a license and
31 order the immediate surrender [~~pursuant to subparagraph (f) of paragraph~~
32 ~~one of subdivision a of section 265.20 and subdivision six of section~~
33 ~~400.05 of the penal law,~~] of any or all firearms, rifles and shotguns
34 owned or possessed or (ii) suspend or continue to suspend any such
35 existing license possessed by the respondent, order the respondent inel-
36 ible for such a license, and order the immediate surrender pursuant to
37 subparagraph (f) of paragraph one of subdivision a of section 265.20 and
38 subdivision six of section 400.05 of the penal law, of any or all
39 firearms, rifles and shotguns owned or possessed; and

40 (c) the court may where the defendant willfully refuses to surrender
41 such firearm, rifle or shotgun pursuant to paragraphs (a) and (b) of
42 this subdivision, or for other good cause shown, order the immediate
43 seizure of such firearm, rifle or shotgun, and search therefor, pursuant
44 to an order issued in accordance with article six hundred ninety of the
45 criminal procedure law, consistent with such rights as the defendant may
46 derive from this article or the constitution of this state or the United
47 States.

48 3. [~~Revocation~~] Mandatory and permissive revocation or suspension of
49 firearms license and ineligibility for such a license upon a finding of
50 a willful failure to obey an order of protection or, in the county of
51 Kings, Queens, Richmond, New York or Bronx, temporary order of
52 protection. Whenever a respondent has been found, pursuant to section
53 eight hundred forty-six-a of this part to have willfully failed to obey
54 an order of protection or temporary order of protection issued [~~pursuant~~
55 ~~to this act or the domestic relations law, or~~] by this court or by a
56 court of competent jurisdiction in another state, territorial or tribal

1 jurisdiction, in addition to any other remedies available pursuant to
2 section eight hundred forty-six-a of this part:

3 (a) the court shall revoke any such existing license possessed by the
4 respondent, order the respondent ineligible for such a license, and
5 order the immediate surrender [~~pursuant to subparagraph (f) of paragraph
6 one of subdivision a of section 265.20 and subdivision six of section
7 400.05 of the penal law,~~]

8 owned or possessed where the willful failure to obey such order involves
9 (i) the infliction of serious physical injury, as defined in subdivision
10 [~~nine~~] ten of section 10.00 of the penal law, (ii) the use or threatened
11 use of a deadly weapon or dangerous instrument as those terms are
12 defined in subdivisions twelve and thirteen of section 10.00 of the
13 penal law, or (iii) behavior constituting any violent felony offense as
14 defined in section 70.02 of the penal law; or (iv) behavior constituting
15 stalking in the first degree as defined in section 120.60 of the penal
16 law, stalking in the second degree as defined in section 120.55 of the
17 penal law, stalking in the third degree as defined in section 120.50 of
18 the penal law or stalking in the fourth degree as defined in section
19 120.45 of such law;

20 (b) the court may and, in the counties of Kings, Queens, Richmond, New
21 York and Bronx, shall where the court finds a substantial risk that the
22 respondent may use or threaten to use a firearm, rifle or shotgun unlaw-
23 fully against the person or persons for whose protection the order of
24 protection was issued, (i) revoke any such existing license possessed by
25 the respondent, order the respondent ineligible for such a license,
26 whether or not the respondent possesses such a license, and order the
27 immediate surrender [~~pursuant to subparagraph (f) of paragraph one of
28 subdivision a of section 265.20 and subdivision six of section 400.05 of
29 the penal law,~~]

30 possessed or (ii) suspend any such existing license possessed by the
31 respondent, order the respondent ineligible for such a license, and
32 order the immediate surrender of any or all firearms, rifles and shot-
33 guns owned or possessed; and
34 (c) the court may where the defendant willfully refuses to surrender
35 such firearm, rifle or shotgun pursuant to paragraphs (a) and (b) of
36 this subdivision, or for other good cause shown, order the immediate
37 seizure of such firearm, rifle or shotgun, and search therefor, pursuant
38 to an order issued in accordance with article six hundred ninety of the
39 criminal procedure law, consistent with such rights as the defendant may
40 derive from this article or the constitution of this state or the United
41 States.

42 § 4. Section 846-a of the family court act, as amended by chapter 1 of
43 the laws of 2013, is amended to read as follows:

44 § 846-a. Powers on failure to obey order. If a respondent is brought
45 before the court for failure to obey any lawful order issued under this
46 article or an order of protection or, in the county of Kings, Queens,
47 Richmond, New York or Bronx, temporary order of protection issued
48 [~~pursuant to this act or issued~~] by a court of competent jurisdiction of
49 another state, territorial or tribal jurisdiction and if, after hearing,
50 the court is satisfied by competent proof that the respondent has will-
51 fully failed to obey any such order, the court may modify an existing
52 order or, in the county of Kings, Queens, Richmond, New York or Bronx,
53 temporary order of protection to add reasonable conditions of behavior
54 to the existing order, make a new order of protection in accordance with
55 section eight hundred forty-two of this part, may order the forfeiture
56 of bail in a manner consistent with article five hundred forty of the

1 criminal procedure law if bail has been ordered pursuant to this act,
2 may order the respondent to pay the petitioner's reasonable and neces-
3 sary counsel fees in connection with the violation petition where the
4 court finds that the violation of its order was willful, and may commit
5 the respondent to jail for a term not to exceed six months. Such commit-
6 ment may be served upon certain specified days or parts of days as the
7 court may direct, and the court may, at any time within the term of such
8 sentence, revoke such suspension and commit the respondent for the
9 remainder of the original sentence, or suspend the remainder of such
10 sentence. If the court determines that the willful failure to obey such
11 order involves violent behavior constituting the crimes of menacing,
12 reckless endangerment, assault or attempted assault and if such a
13 respondent is licensed to carry, possess, repair and dispose of firearms
14 pursuant to section 400.00 of the penal law, the court may also imme-
15 diately revoke such license and may arrange for the immediate surrender
16 [~~pursuant to subparagraph (f) of paragraph one of subdivision a of~~
17 ~~section 265.20 and subdivision six of section 400.05 of the penal law,~~
18 and disposal of any firearm such respondent owns or possesses. If the
19 willful failure to obey such order involves the infliction of serious
20 physical injury as defined in subdivision [~~nine~~] ten of section 10.00 of
21 the penal law or the use or threatened use of a deadly weapon or danger-
22 ous instrument, as those terms are defined in subdivisions twelve and
23 thirteen of section 10.00 of the penal law, such revocation and immedi-
24 ate surrender [~~pursuant to subparagraph (f) of paragraph one of subdivi-~~
25 ~~sion a of section 265.20 and subdivision six of section 400.05 of the~~
26 ~~penal law six~~] and disposal of any firearm owned or possessed by
27 respondent shall be mandatory, pursuant to subdivision eleven of section
28 400.00 of the penal law.

29 § 5. Section 446-a of the family court act, as added by chapter 1 of
30 the laws of 2013, is amended to read as follows:

31 § 446-a. Firearms; surrender and license suspension, revocation and
32 ineligibility; certain counties. [~~Upon~~] In the counties of Kings,
33 Queens, Richmond, New York and Bronx, upon the issuance of an order of
34 protection or temporary order of protection, or upon a violation of such
35 order, the court shall make a determination regarding the suspension and
36 revocation of a license to carry, possess, repair or dispose of a
37 firearm or firearms, ineligibility for such a license and the surrender
38 of firearms in accordance with section eight hundred forty-two-a of this
39 act.

40 § 6. Section 552 of the family court act, as added by chapter 1 of the
41 laws of 2013, is amended to read as follows:

42 § 552. Firearms; surrender and license suspension, revocation and
43 ineligibility; certain counties. [~~Upon~~] In the counties of Kings,
44 Queens, Richmond, New York and Bronx, upon the issuance of an order of
45 protection or temporary order of protection, or upon a violation of such
46 order, the court shall make a determination regarding the suspension and
47 revocation of a license to carry, possess, repair or dispose of a
48 firearm or firearms, ineligibility for such a license and the surrender
49 of firearms in accordance with section eight hundred forty-two-a of this
50 act.

51 § 7. Section 656-a of the family court act, as added by chapter 1 of
52 the laws of 2013, is amended to read as follows:

53 § 656-a. Firearms; surrender and license suspension, revocation and
54 ineligibility; certain counties. [~~Upon~~] In the counties of Kings,
55 Queens, Richmond, New York and Bronx, upon the issuance of an order of
56 protection or temporary order of protection, or upon a violation of such

1 order, the court shall make a determination regarding the suspension and
2 revocation of a license to carry, possess, repair or dispose of a
3 firearm or firearms, ineligibility for such a license and the surrender
4 of firearms in accordance with section eight hundred forty-two-a of this
5 act.

6 § 8. Section 780-a of the family court act, as added by chapter 1 of
7 the laws of 2013, is amended to read as follows:

8 § 780-a. Firearms; surrender and license suspension, revocation and
9 ineligibility; certain counties. [~~Upon~~] In the counties of Kings,
10 Queens, Richmond, New York and Bronx, upon the issuance of an order of
11 protection or temporary order of protection, or upon a violation of such
12 order, the court shall make a determination regarding the suspension and
13 revocation of a license to carry, possess, repair or dispose of a
14 firearm or firearms, ineligibility for such a license and the surrender
15 of firearms in accordance with section eight hundred forty-two-a of this
16 act.

17 § 9. Section 1056-a of the family court act, as added by chapter 1 of
18 the laws of 2013, is amended to read as follows:

19 § 1056-a. Firearms; surrender and license suspension, revocation and
20 ineligibility; certain counties. [~~Upon~~] In the counties of Kings,
21 Queens, Richmond, New York and Bronx, upon the issuance of an order of
22 protection or temporary order of protection, or upon a violation of such
23 order, the court shall make an order in accordance with section eight
24 hundred forty-two-a of this act.

25 § 10. Paragraph h of subdivision 3 of section 240 of the domestic
26 relations law, as amended by chapter 1 of the laws of 2013, is amended
27 to read as follows:

28 h. Upon issuance of an order of protection or temporary order of
29 protection or upon a violation of such order, the court may and, in the
30 counties of Kings, Queens, Richmond, New York and Bronx, shall make a
31 determination regarding the suspension and revocation of a license to
32 carry, possess, repair or dispose of a firearm or firearms, ineligibil-
33 ity for such a license and the surrender of firearms in accordance with
34 sections eight hundred forty-two-a and eight hundred forty-six-a of the
35 family court act, as applicable. Upon issuance of an order of protection
36 pursuant to this section or upon a finding of a violation thereof, the
37 court also may direct payment of restitution in an amount not to exceed
38 ten thousand dollars in accordance with subdivision (e) of section eight
39 hundred forty-one of such act; provided, however, that in no case shall
40 an order of restitution be issued where the court determines that the
41 party against whom the order would be issued has already compensated the
42 injured party or where such compensation is incorporated in a final
43 judgment or settlement of the action.

44 § 11. Subdivision 9 of section 252 of the domestic relations law, as
45 amended by chapter 1 of the laws of 2013, is amended to read as follows:

46 9. Upon issuance of an order of protection or temporary order of
47 protection or upon a violation of such order, the court may and, in the
48 counties of Kings, Queens, Richmond, New York and Bronx, shall make a
49 determination regarding the suspension and revocation of a license to
50 carry, possess, repair or dispose of a firearm or firearms, ineligibil-
51 ity for such a license and the surrender of firearms in accordance with
52 sections eight hundred forty-two-a and eight hundred forty-six-a of the
53 family court act, as applicable. Upon issuance of an order of protection
54 pursuant to this section or upon a finding of a violation thereof, the
55 court also may direct payment of restitution in an amount not to exceed
56 ten thousand dollars in accordance with subdivision (e) of section eight

1 hundred forty-one of such act; provided, however, that in no case shall
2 an order of restitution be issued where the court determines that the
3 party against whom the order would be issued has already compensated the
4 injured party or where such compensation is incorporated in a final
5 judgment or settlement of the action.

6 § 12. The opening paragraph and paragraph (b) of subdivision 1 of
7 section 530.14 of the criminal procedure law, the opening paragraph as
8 amended by chapter 60 of the laws of 2018 and paragraph (b) as amended
9 by section 3 of part M of chapter 55 of the laws of 2020, are amended to
10 read as follows:

11 [~~Suspension~~] Mandatory and permissive suspension of firearms license
12 and ineligibility for such a license upon issuance of temporary order of
13 protection. Whenever a temporary order of protection is issued pursuant
14 to subdivision one of section 530.12 or subdivision one of section
15 530.13 of this article:

16 (b) the court may and, in the counties of Kings, Queens, Richmond, New
17 York and Bronx, shall where the court finds a substantial risk that the
18 defendant may use or threaten to use a firearm, rifle or shotgun unlaw-
19 fully against the person or persons for whose protection the temporary
20 order of protection is issued, suspend any such existing license
21 possessed by the defendant, order the defendant ineligible for such a
22 license and order the immediate surrender [~~pursuant to subparagraph (f)~~
23 ~~of paragraph one of subdivision a of section 265.20 and subdivision six~~
24 ~~of section 400.05 of the penal law,~~] of any or all firearms, rifles and
25 shotguns owned or possessed; and

26 § 13. The opening paragraph and paragraph (b) of subdivision 2 of
27 section 530.14 of the criminal procedure law, the opening paragraph as
28 amended by chapter 60 of the laws of 2018 and paragraph (b) as amended
29 by section 4 of part M of chapter 55 of the laws of 2020, are amended to
30 read as follows:

31 [~~Revocation~~] Mandatory and permissive revocation or suspension of
32 firearms license and ineligibility for such a license upon issuance of
33 an order of protection. Whenever an order of protection is issued pursu-
34 ant to subdivision five of section 530.12 or subdivision four of section
35 530.13 of this article:

36 (b) the court may and, in the counties of Kings, Queens, Richmond, New
37 York and Bronx, shall where the court finds a substantial risk that the
38 defendant may use or threaten to use a firearm, rifle or shotgun unlaw-
39 fully against the person or persons for whose protection the order of
40 protection is issued, (i) revoke any such existing license possessed by
41 the defendant, order the defendant ineligible for such a license and
42 order the immediate surrender of any or all firearms, rifles and shot-
43 guns owned or possessed or (ii) suspend or continue to suspend any such
44 existing license possessed by the defendant, order the defendant ineli-
45 gible for such a license and order the immediate surrender [~~pursuant to~~
46 ~~subparagraph (f) of paragraph one of subdivision a of section 265.20 and~~
47 ~~subdivision six of section 400.05 of the penal law,~~] of any or all
48 firearms, rifles and shotguns owned or possessed; and

49 § 14. The opening paragraph and paragraph (b) of subdivision 3 of
50 section 530.14 of the criminal procedure law, the opening paragraph as
51 amended by chapter 60 of the laws of 2018 and paragraph (b) as amended
52 by section 5 of part M of chapter 55 of the laws of 2020, are amended to
53 read as follows:

54 [~~Revocation~~] Mandatory and permissive revocation or suspension of
55 firearms license and ineligibility for such a license upon a finding of
56 a willful failure to obey an order of protection. Whenever a defendant

1 has been found pursuant to subdivision eleven of section 530.12 or
2 subdivision eight of section 530.13 of this article to have willfully
3 failed to obey an order of protection issued by a court of competent
4 jurisdiction in this state or another state, territorial or tribal
5 jurisdiction, in addition to any other remedies available pursuant to
6 subdivision eleven of section 530.12 or subdivision eight of section
7 530.13 of this article:

8 (b) the court may and, in the counties of Kings, Queens, Richmond, New
9 York and Bronx, shall where the court finds a substantial risk that the
10 defendant may use or threaten to use a firearm, rifle or shotgun unlaw-
11 fully against the person or persons for whose protection the order of
12 protection was issued, (i) revoke any such existing license possessed by
13 the defendant, order the defendant ineligible for such a license and
14 order the immediate surrender [~~pursuant to subparagraph (f) of paragraph~~
15 ~~one of subdivision a of section 265.20 and subdivision six of section~~
16 ~~400.05 of the penal law,~~] of any or all firearms, rifles and shotguns
17 owned or possessed or (ii) suspend any such existing license possessed
18 by the defendant, order the defendant ineligible for such a license and
19 order the immediate surrender [~~pursuant to subparagraph (f) of paragraph~~
20 ~~one of subdivision a of section 265.20 and subdivision six of section~~
21 ~~400.05 of the penal law,~~] of any or all firearms, rifles and shotguns
22 owned or possessed; and

23 § 15. The article heading of article 39-DDD of the general business
24 law, as added by chapter 1 of the laws of 2013, is amended to read as
25 follows:

26 PRIVATE SALE OR DISPOSAL OF FIREARMS, RIFLES AND SHOTGUNS

27 IN CERTAIN COUNTIES

28 § 16. Subdivision 1 of section 898 of the general business law, as
29 amended by chapter 129 of the laws of 2019, is amended to read as
30 follows:

31 1. In addition to any other requirements pursuant to state and federal
32 law, all sales, exchanges or disposals of firearms, rifles or shotguns,
33 in the counties of Kings, Queens, Richmond, New York and Bronx, shall be
34 conducted in accordance with this section unless such sale, exchange or
35 disposal is conducted by a licensed importer, licensed manufacturer or
36 licensed dealer, as those terms are defined in 18 USC § 922, when such
37 sale, exchange or disposal is conducted pursuant to that person's feder-
38 al firearms license or such sale, exchange or disposal is between
39 members of an immediate family. When a sale, exchange or disposal is
40 conducted pursuant to a person's federal firearms license, before deliv-
41 ering a firearm, rifle or shotgun to any person, either (a) the National
42 Instant Criminal Background Check System (NICS) or its successor has
43 issued a "proceed" response to the federal firearms licensee, or (b)
44 thirty calendar days shall have elapsed since the date the federal
45 firearms licensee contacted NICS to initiate a national instant criminal
46 background check and NICS has not notified the federal firearms licensee
47 that the transfer of the firearm, rifle or shotgun to such person should
48 be denied. For purposes of this section, "immediate family" shall mean
49 spouses, domestic partners, children and step-children.

50 § 17. Paragraph (q) of subdivision 2 of section 212 of the judiciary
51 law, as amended by chapter 1 of the laws of 2013, is amended to read as
52 follows:

53 (q) Adopt rules to require transmission, to the criminal justice
54 information services division of the federal bureau of investigation or
55 to the division of criminal justice services, of the name and other
56 identifying information of each person who has a guardian appointed for

1 him or her pursuant to any provision of state law, based on a determi-
2 nation that as a result of marked subnormal intelligence, mental
3 illness, incapacity, condition or disease, he or she lacks the mental
4 capacity to contract or manage his or her own affairs. Any such records,
5 relating to persons residing in the county of Kings, Queens, Richmond,
6 New York or Bronx, transmitted directly to the federal bureau of inves-
7 tigation must also be transmitted to the division of criminal justice
8 services[, ~~and any records received by the division of criminal justice~~
9 ~~services pursuant to this paragraph may be checked against the statewide~~
10 ~~license and record database~~].

11 § 18. Subdivision (j) of section 7.09 of the mental hygiene law, as
12 amended by chapter 1 of the laws of 2013, is amended to read as follows:

13 (j) (1) The commissioner, in cooperation with other applicable state
14 agencies, shall collect, retain or modify data or records, and shall
15 transmit such data or records: (i) to the division of criminal justice
16 services, or to the criminal justice information services division of
17 the federal bureau of investigation, for the purposes of responding to
18 queries to the national instant criminal background check system regard-
19 ing attempts to purchase or otherwise take possession of firearms, as
20 defined in 18 USC 921(a)(3), in accordance with applicable federal laws
21 or regulations, or (ii) for persons residing in the county of Kings,
22 Queens, Richmond, New York or Bronx, to the division of criminal justice
23 services, which may re-disclose such data and records only for determin-
24 ing whether a license issued pursuant to section 400.00 of the penal law
25 should be denied, suspended or revoked, under subdivision eleven of such
26 section, or for determining whether a person is no longer permitted
27 under federal or state law to possess a firearm. Such records, which may
28 not be used for any other purpose, shall include only names and other
29 non-clinical identifying information of persons who have been involun-
30 tarily committed to a hospital pursuant to article nine of this chapter,
31 ~~[or section four hundred two or subdivision two of section five hundred~~
32 ~~eight of the correction law,~~ or article seven hundred thirty or section
33 330.20 of the criminal procedure law or sections 322.2 or 353.4 of the
34 family court act, or to a secure treatment facility pursuant to article
35 ten of this chapter.

36 (2) The commissioner shall establish within the office of mental
37 health an administrative process to permit a person who has been or may
38 be disqualified from possessing such a firearm pursuant to 18 USC
39 922(4)(d) or who has been or may be disqualified from continuing to have
40 a license to carry, possess, repair, or dispose of a firearm under
41 section 400.00 of the penal law because such person, who resides in the
42 county of Kings, Queens, Richmond, New York or Bronx, was involuntarily
43 committed or civilly confined to a facility under the jurisdiction of
44 the commissioner, to petition for relief from that disability where such
45 person's record and reputation are such that such person will not be
46 likely to act in a manner dangerous to public safety and where the
47 granting of the relief would not be contrary to public safety. The
48 commissioner shall promulgate regulations to establish the relief from
49 disabilities program, which shall include, but not be limited to,
50 provisions providing for: (i) an opportunity for a disqualified person
51 to petition for relief in writing; (ii) the authority for the agency to
52 require that the petitioner undergo a clinical evaluation and risk
53 assessment; and (iii) a requirement that the agency issue a decision in
54 writing explaining the reasons for a denial or grant of relief. The
55 denial of a petition for relief from disabilities may be reviewed de

1 novo pursuant to the proceedings under article seventy-eight of the
2 civil practice law and rules.

3 § 19. Subdivision (b) of section 9.46 of the mental hygiene law, as
4 added by chapter 1 of the laws of 2013, is amended to read as follows:

5 (b) Notwithstanding any other law to the contrary, when a mental
6 health professional currently providing treatment services to a person,
7 who resides in the county of Kings, Queens, Richmond, New York or Bronx,
8 determines, in the exercise of reasonable professional judgment, that
9 such person is likely to engage in conduct that would result in serious
10 harm to self or others, he or she shall be required to report, as soon
11 as practicable, to the director of community services, or the director's
12 designee, who shall report to the division of criminal justice services
13 whenever he or she agrees that the person is likely to engage in such
14 conduct. Information transmitted to the division of criminal justice
15 services shall be limited to names and other non-clinical identifying
16 information, which may only be used for determining whether a license
17 issued pursuant to section 400.00 of the penal law should be suspended
18 or revoked, or for determining whether a person is ineligible for a
19 license issued pursuant to section 400.00 of the penal law, or is no
20 longer permitted under state or federal law to possess a firearm.

21 § 20. Subdivision 22 of section 265.00 of the penal law, as amended by
22 chapter 1 of the laws of 2013, is amended to read as follows:

23 22. "Assault weapon" means

24 (a) (i) except as otherwise provided in paragraph (b) of this subdivi-
25 sion, a semiautomatic rifle that has an ability to accept a detachable
26 magazine and has at least two of the following characteristics:

27 (A) a folding or telescoping stock;

28 (B) a pistol grip that protrudes conspicuously beneath the action of
29 the weapon;

30 (C) a bayonet mount;

31 (D) a flash suppressor or threaded barrel designed to accommodate a
32 flash suppressor;

33 (E) a grenade launcher; or

34 (ii) a semiautomatic shotgun that has at least two of the following
35 characteristics:

36 (A) a folding or telescoping stock;

37 (B) a pistol grip that protrudes conspicuously beneath the action of
38 the weapon;

39 (C) a fixed magazine capacity in excess of five rounds;

40 (D) an ability to accept a detachable magazine; or

41 (iii) a semiautomatic pistol that has an ability to accept a detach-
42 able magazine and has at least two of the following characteristics:

43 (A) an ammunition magazine that attaches to the pistol outside of the
44 pistol grip;

45 (B) a threaded barrel capable of accepting a barrel extender, flash
46 suppressor, forward handgrip, or silencer;

47 (C) a shroud that is attached to, or partially or completely encir-
48 cles, the barrel and that permits the shooter to hold the firearm with
49 the nontrigger hand without being burned;

50 (D) a manufactured weight of fifty ounces or more when the pistol is
51 unloaded;

52 (E) a semiautomatic version of an automatic rifle, shotgun or firearm;
53 or

54 (iv) any of the weapons, or functioning frames or receivers of such
55 weapons, or copies or duplicates of such weapons, in any caliber, known
56 as:

1 (A) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all
2 models);

3 (B) Action Arms Israeli Military Industries UZI and Galil;

4 (C) Beretta Ar70 (SC-70);

5 (D) Colt AR-15;

6 (E) Fabrique National FN/FAL, FN/LAR, and FNC;

7 (F) SWD M-10, M-11, M-11/9, and M-12;

8 (G) Steyr AUG;

9 (H) INTRATEC TEC-9, TEC-DC9 and TEC-22; and

10 (I) revolving cylinder shotguns, such as (or similar to) the Street
11 Sweeper and Striker 12;

12 (v) provided, however, that such term does not include: (A) any rifle,
13 shotgun or pistol that (I) is manually operated by bolt, pump, lever or
14 slide action; (II) has been rendered permanently inoperable; or (III) is
15 an antique firearm as defined in 18 U.S.C. 921(a)(16);

16 (B) a semiautomatic rifle that cannot accept a detachable magazine
17 that holds more than five rounds of ammunition;

18 (C) a semiautomatic shotgun that cannot hold more than five rounds of
19 ammunition in a fixed or detachable magazine;

20 (D) a rifle, shotgun or pistol, or a replica or a duplicate thereof,
21 specified in Appendix A to section 922 of 18 U.S.C. as such weapon was
22 manufactured on October first, nineteen hundred ninety-three. The mere
23 fact that a weapon is not listed in Appendix A shall not be construed to
24 mean that such weapon is an assault weapon; or

25 (E) a semiautomatic rifle, a semiautomatic shotgun or a semiautomatic
26 pistol or any of the weapons defined in subparagraph (iv) of paragraph
27 (b) of this subdivision lawfully possessed prior to September four-
28 teenth, nineteen hundred ninety-four; and

29 (b) (i) in the counties of Kings, Queens, Richmond, New York and
30 Bronx, a semiautomatic rifle that has an ability to accept a detachable
31 magazine and has at least one of the following characteristics:

32 [~~(i)~~] (A) a folding or telescoping stock;

33 [~~(ii)~~] (B) a pistol grip that protrudes conspicuously beneath the
34 action of the weapon;

35 [~~(iii)~~] (C) a thumbhole stock;

36 [~~(iv)~~] (D) a second handgrip or a protruding grip that can be held by
37 the non-trigger hand;

38 [~~(v)~~] (E) a bayonet mount;

39 [~~(vi)~~] (F) a flash suppressor, muzzle break, muzzle compensator, or
40 threaded barrel designed to accommodate a flash suppressor, muzzle
41 break, or muzzle compensator;

42 [~~(vii)~~] (G) a grenade launcher; or

43 [~~(b)~~] (ii) a semiautomatic shotgun that has at least one of the
44 following characteristics:

45 [~~(i)~~] (A) a folding or telescoping stock;

46 [~~(ii)~~] (B) a thumbhole stock;

47 [~~(iii)~~] (C) a second handgrip or a protruding grip that can be held by
48 the non-trigger hand;

49 [~~(iv)~~] (D) a fixed magazine capacity in excess of seven rounds;

50 [~~(v)~~] (E) an ability to accept a detachable magazine; or

51 [~~(e)~~] (iii) a semiautomatic pistol that has an ability to accept a
52 detachable magazine and has at least one of the following character-
53 istics:

54 [~~(i)~~] (A) a folding or telescoping stock;

55 [~~(ii)~~] (B) a thumbhole stock;

1 [~~(iii)~~] (C) a second handgrip or a protruding grip that can be held by
2 the non-trigger hand;
3 [~~(iv)~~] (D) capacity to accept an ammunition magazine that attaches to
4 the pistol outside of the pistol grip;
5 [~~(v)~~] (E) a threaded barrel capable of accepting a barrel extender,
6 flash suppressor, forward handgrip, or silencer;
7 [~~(vi)~~] (F) a shroud that is attached to, or partially or completely
8 encircles, the barrel and that permits the shooter to hold the firearm
9 with the non-trigger hand without being burned;
10 [~~(vii)~~] (G) a manufactured weight of fifty ounces or more when the
11 pistol is unloaded; or
12 [~~(viii)~~] (H) a semiautomatic version of an automatic rifle, shotgun or
13 firearm;
14 [~~(d)~~] (iv) a revolving cylinder shotgun;
15 [~~(e)~~] (v) a semiautomatic rifle, a semiautomatic shotgun or a semiau-
16 tomatic pistol or weapon defined in former subparagraph (v) of paragraph
17 (e) of subdivision twenty-two of section 265.00 of this chapter as added
18 by chapter one hundred eighty-nine of the laws of two thousand and
19 otherwise lawfully possessed pursuant to such chapter of the laws of two
20 thousand prior to September fourteenth, nineteen hundred ninety-four;
21 [~~(f)~~] (vi) a semiautomatic rifle, a semiautomatic shotgun or a semiau-
22 tomatic pistol or weapon defined in this paragraph or paragraph (a)[~~7~~
23 ~~(b) or (c)~~] of this subdivision, possessed prior to the date of enact-
24 ment of [~~the~~] chapter one of the laws of two thousand thirteen which
25 added this paragraph;
26 [~~(g)~~] (vii) provided, however, that such term does not include:
27 [~~(i)~~] (A) any rifle, shotgun or pistol that [~~(A)~~] (I) is manually
28 operated by bolt, pump, lever or slide action; [~~(B)~~] (II) has been
29 rendered permanently inoperable; or [~~(C)~~] (III) is an antique firearm as
30 defined in 18 U.S.C. 921(a)(16);
31 [~~(ii)~~] (B) a semiautomatic rifle that cannot accept a detachable maga-
32 zine that holds more than five rounds of ammunition;
33 [~~(iii)~~] (C) a semiautomatic shotgun that cannot hold more than five
34 rounds of ammunition in a fixed or detachable magazine; or
35 [~~(iv)~~] (D) a rifle, shotgun or pistol, or a replica or a duplicate
36 thereof, specified in Appendix A to 18 U.S.C. 922 as such weapon was
37 manufactured on October first, nineteen hundred ninety-three. The mere
38 fact that a weapon is not listed in Appendix A shall not be construed to
39 mean that such weapon is an assault weapon;
40 [~~(v)~~] (E) any weapon validly registered pursuant to subdivision
41 sixteen-a of section 400.00 of this chapter. Such weapons shall be
42 subject to the provisions of [~~paragraph (h)~~] subparagraph (viii) of this
43 [~~subdivision~~] paragraph;
44 [~~(vi)~~] (F) any firearm, rifle, or shotgun that was manufactured at
45 least fifty years prior to the current date, but not including replicas
46 thereof that is validly registered pursuant to subdivision sixteen-a of
47 section 400.00 of this chapter;
48 [~~(h)~~] (viii) Any weapon defined in [~~paragraph (e) or (f)~~] subparagraph
49 (v) or (vi) of this [~~subdivision~~] paragraph and any large capacity ammu-
50 nition feeding device that was legally possessed by an individual prior
51 to the enactment of [~~the~~] chapter one of the laws of two thousand thir-
52 teen which added this paragraph, may only be sold to, exchanged with or
53 disposed of to a purchaser authorized to possess such weapons or to an
54 individual or entity outside of the state provided that any such trans-
55 fer to an individual or entity outside of the state must be reported to
56 the entity wherein the weapon is registered within seventy-two hours of

1 such transfer. An individual who transfers any such weapon or large
2 capacity ammunition device to an individual inside New York state or
3 without complying with the provisions of this paragraph shall be guilty
4 of a class A misdemeanor unless such large capacity ammunition feeding
5 device, the possession of which is made illegal by ~~[the]~~ chapter one
6 of the laws of two thousand thirteen which added this ~~[paragraph]~~ subpara-
7 graph, is transferred within one year of the effective date of ~~[the]~~
8 chapter one of the laws of two thousand thirteen which added this ~~[para-~~
9 ~~graph]~~ subparagraph.

10 § 21. Subdivision 23 of section 265.00 of the penal law, as amended by
11 chapter 1 of the laws of 2013, is amended to read as follows:

12 23. "Large capacity ammunition feeding device" means a magazine, belt,
13 drum, feed strip, or similar device, manufactured after September thir-
14 tieth, nineteen hundred ninety-four, that ~~[(a)]~~ has a capacity of, or
15 that can be readily restored or converted to accept, more than ten
16 rounds of ammunition~~[, or (b) contains more than seven rounds of ammuni-~~
17 ~~tion, or (c) is obtained after the effective date of the chapter of the~~
18 ~~laws of two thousand thirteen which amended this subdivision and has a~~
19 ~~capacity of, or that can be readily restored or converted to accept,~~
20 ~~more than seven rounds of ammunition]~~; provided, however, that such term
21 does not include an attached tubular device designed to accept, and
22 capable of operating only with, .22 caliber rimfire ammunition ~~[or a~~
23 ~~feeding device that is a curio or relic. A feeding device that is a~~
24 ~~curio or relic is defined as a device that (i) was manufactured at least~~
25 ~~fifty years prior to the current date, (ii) is only capable of being~~
26 ~~used exclusively in a firearm, rifle, or shotgun that was manufactured~~
27 ~~at least fifty years prior to the current date, but not including repli-~~
28 ~~cas thereof, (iii) is possessed by an individual who is not prohibited~~
29 ~~by state or federal law from possessing a firearm and (iv) is registered~~
30 ~~with the division of state police pursuant to subdivision sixteen-a of~~
31 ~~section 400.00 of this chapter, except such feeding devices transferred~~
32 ~~into the state may be registered at any time, provided they are regis-~~
33 ~~tered within thirty days of their transfer into the state. Notwithstand-~~
34 ~~ing paragraph (h) of subdivision twenty-two of this section, such feed-~~
35 ~~ing devices may be transferred provided that such transfer shall be~~
36 ~~subject to the provisions of section 400.03 of this chapter including~~
37 ~~the check required to be conducted pursuant to such section]~~.

38 § 22. Subdivision 24 of section 265.00 of the penal law, as added by
39 chapter 1 of the laws of 2013, is amended to read as follows:

40 24. "Seller of ammunition" means any person, firm, partnership, corpo-
41 ration or company who engages in the business of purchasing, selling or
42 keeping ammunition in the county of Kings, Queens, Richmond, New York or
43 Bronx.

44 § 23. The opening paragraph of section 265.01-b of the penal law, as
45 added by chapter 1 of the laws of 2013, is amended to read as follows:

46 A person is guilty of criminal possession of a firearm when he or she,
47 being a resident of the county of Kings, Queens, Richmond, New York or
48 Bronx: (1) possesses any firearm or; (2) lawfully possesses a firearm
49 prior to the effective date of ~~[the]~~ chapter one of the laws of two
50 thousand thirteen which added this section subject to the registration
51 requirements of subdivision sixteen-a of section 400.00 of this chapter
52 and knowingly fails to register such firearm pursuant to such subdivi-
53 sion.

54 § 24. Paragraphs 3 and 7-f of subdivision a of section 265.20 of the
55 penal law, paragraph 3 as amended and paragraph 7-f as added by chapter
56 1 of the laws of 2013, are amended to read as follows:

1 3. Possession of a pistol or revolver by a person to whom a license
2 therefor has been issued as provided under section 400.00 or 400.01 of
3 this chapter or possession, in the county of Kings, Queens, Richmond,
4 New York or Bronx, of a weapon as defined in subparagraph (v) or (vi) of
5 paragraph [~~(e) or (f)~~] (b) of subdivision twenty-two of section 265.00
6 of this article which is registered pursuant to paragraph (a) of subdivi-
7 sion sixteen-a of section 400.00 of this chapter or is included on an
8 amended license issued pursuant to section 400.00 of this chapter. In
9 the event such license is revoked, other than because such licensee is
10 no longer permitted to possess a firearm, rifle or shotgun under federal
11 or state law, information sufficient to satisfy the requirements of
12 subdivision sixteen-a of section 400.00 of this chapter, shall be trans-
13 mitted by the licensing officer to the division of state police, in a
14 form as determined by the superintendent of state police. Such trans-
15 mission shall constitute a valid registration under such section.
16 Further provided, notwithstanding any other section of this title, a
17 failure to register such weapon by an individual, in the county of
18 Kings, Queens, Richmond, New York or Bronx, who possesses such weapon
19 before the enactment of [~~the~~] chapter one of the laws of two thousand
20 thirteen which amended this paragraph and may so lawfully possess it
21 thereafter upon registration, shall only be subject to punishment pursu-
22 ant to paragraph (c) of subdivision sixteen-a of section 400.00 of this
23 chapter; provided, that such a license or registration shall not
24 preclude a conviction for the offense defined in subdivision three of
25 section 265.01 of this article or section 265.01-a of this article.

26 7-f. Possession and use of a magazine, belt, feed strip or similar
27 device, in the county of Kings, Queens, Richmond, New York or Bronx,
28 that contains more than seven rounds of ammunition, but that does not
29 have a capacity of or can readily be restored or converted to accept
30 more than ten rounds of ammunition, at an indoor or outdoor firing range
31 located in or on premises owned or occupied by a duly incorporated
32 organization organized for conservation purposes or to foster proficien-
33 cy in arms; at an indoor or outdoor firing range for the purpose of
34 firing a rifle or shotgun; at a collegiate, olympic or target shooting
35 competition under the auspices of or approved by the national rifle
36 association; or at an organized match sanctioned by the International
37 Handgun Metallic Silhouette Association.

38 § 25. The opening paragraph of section 265.36 of the penal law, as
39 added by chapter 1 of the laws of 2013, is amended to read as follows:

40 It shall be unlawful for a person, in the county of Kings, Queens,
41 Richmond, New York or Bronx, to knowingly possess a large capacity ammu-
42 nition feeding device manufactured before September thirteenth, nineteen
43 hundred ninety-four, and if such person lawfully possessed such large
44 capacity feeding device before the effective date of [~~the~~] chapter one
45 of the laws of two thousand thirteen which added this section, that has
46 a capacity of, or that can be readily restored or converted to accept,
47 more than ten rounds of ammunition.

48 § 26. The opening paragraph of section 265.37 of the penal law, as
49 amended by section 2 of part FF of chapter 57 of the laws of 2013, is
50 amended to read as follows:

51 It shall be unlawful for a person to knowingly possess, in the county
52 of Kings, Queens, Richmond, New York or Bronx, an ammunition feeding
53 device where such device contains more than seven rounds of ammunition.

54 § 27. The opening paragraph of section 265.45 of the penal law, as
55 amended by chapter 133 of the laws of 2019, is amended to read as
56 follows:

1 No person, residing in the county of Kings, Queens, Richmond, New York
2 or Bronx, who owns or is custodian of a rifle, shotgun or firearm who
3 resides with an individual who: (i) is under sixteen years of age; (ii)
4 such person knows or has reason to know is prohibited from possessing a
5 rifle, shotgun or firearm pursuant to a temporary or final extreme risk
6 protection order issued under article sixty-three-A of the civil prac-
7 tice law and rules or 18 U.S.C. § 922(g) (1), (4), (8) or (9); or (iii)
8 such person knows or has reason to know is prohibited from possessing a
9 rifle, shotgun or firearm based on a conviction for a felony or a seri-
10 ous offense, shall store or otherwise leave such rifle, shotgun or
11 firearm out of his or her immediate possession or control without having
12 first securely locked such rifle, shotgun or firearm in an appropriate
13 safe storage depository or rendered it incapable of being fired by use
14 of a gun locking device appropriate to that weapon. For purposes of this
15 section "safe storage depository" shall mean a safe or other secure
16 container which, when locked, is incapable of being opened without the
17 key, combination or other unlocking mechanism and is capable of prevent-
18 ing an unauthorized person from obtaining access to and possession of
19 the weapon contained therein. Nothing in this section shall be deemed to
20 affect, impair or supersede any special or local act relating to the
21 safe storage of rifles, shotguns or firearms which impose additional
22 requirements on the owner or custodian of such weapons.

23 § 28. Subdivision 1 of section 400.00 of the penal law, as amended by
24 chapter 1 of the laws of 2013, paragraph (c) as amended by chapter 60 of
25 the laws of 2018, is amended to read as follows:

26 1. Eligibility. No license shall be issued or renewed pursuant to this
27 section except by the licensing officer, and then only after investi-
28 gation and finding that all statements in a proper application for a
29 license are true. No license shall be issued or renewed except for an
30 applicant (a) twenty-one years of age or older, provided, however, that
31 where such applicant has been honorably discharged from the United
32 States army, navy, marine corps, air force or coast guard, or the
33 national guard of the state of New York, no such age restriction shall
34 apply; (b) of good moral character; (c) who has not been convicted
35 anywhere of a felony or a serious offense or who is not the subject of
36 an outstanding warrant of arrest issued upon the alleged commission of a
37 felony or serious offense; (d) who is not a fugitive from justice; (e)
38 who is not an unlawful user of or addicted to any controlled substance
39 as defined in section 21 U.S.C. 802; (f) who being an alien (i) is not
40 illegally or unlawfully in the United States or (ii) has not been admit-
41 ted to the United States under a nonimmigrant visa subject to the excep-
42 tion in 18 U.S.C. 922(y)(2); (g) who has not been discharged from the
43 Armed Forces under dishonorable conditions; (h) who, having been a citi-
44 zen of the United States, has not renounced his or her citizenship; (i)
45 who has stated whether he or she has ever suffered any mental illness;
46 (j) who, being a resident of the county of Kings, Queens, Richmond, New
47 York or Bronx, has not been involuntarily committed to a facility under
48 the jurisdiction of an office of the department of mental hygiene pursu-
49 ant to article nine or fifteen of the mental hygiene law, article seven
50 hundred thirty or section 330.20 of the criminal procedure law, section
51 four hundred two or five hundred eight of the correction law, section
52 322.2 or 353.4 of the family court act, or has not been civilly confined
53 in a secure treatment facility pursuant to article ten of the mental
54 hygiene law; (k) who has not had a license revoked or who is not under a
55 suspension or ineligibility order issued pursuant to the provisions of
56 section 530.14 of the criminal procedure law or section eight hundred

1 forty-two-a of the family court act; (l) in the county of Westchester,
2 who has successfully completed a firearms safety course and test as
3 evidenced by a certificate of completion issued in his or her name and
4 endorsed and affirmed under the penalties of perjury by a duly author-
5 ized instructor, except that: (i) persons who are honorably discharged
6 from the United States army, navy, marine corps or coast guard, or of
7 the national guard of the state of New York, and produce evidence of
8 official qualification in firearms during the term of service are not
9 required to have completed those hours of a firearms safety course
10 pertaining to the safe use, carrying, possession, maintenance and stor-
11 age of a firearm; and (ii) persons who were licensed to possess a pistol
12 or revolver prior to the effective date of this paragraph are not
13 required to have completed a firearms safety course and test; (m) who,
14 being a resident of the county of Kings, Queens, Richmond, New York or
15 Bronx, has not had a guardian appointed for him or her pursuant to any
16 provision of state law, based on a determination that as a result of
17 marked subnormal intelligence, mental illness, incapacity, condition or
18 disease, he or she lacks the mental capacity to contract or manage his
19 or her own affairs; and (n) concerning whom no good cause exists for the
20 denial of the license. No person shall engage in the business of
21 gunsmith or dealer in firearms unless licensed pursuant to this section.
22 An applicant to engage in such business shall also be a citizen of the
23 United States, more than twenty-one years of age and maintain a place of
24 business in the city or county where the license is issued. For such
25 business, if the applicant is a firm or partnership, each member thereof
26 shall comply with all of the requirements set forth in this subdivision
27 and if the applicant is a corporation, each officer thereof shall so
28 comply.

29 § 29. Subdivisions 4, 5, 10, 11 and 12 of section 400.00 of the penal
30 law, subdivision 4 as amended by chapter 242 of the laws of 2019, subdivi-
31 sions 5, 10 and 11 as amended by chapter 1 of the laws of 2013,
32 subparagraph (iii) of paragraph (e) of subdivision 5 as amended by chap-
33 ter 244 of the laws of 2019, and subdivision 12 as amended by chapter
34 129 of the laws of 2019, are amended to read as follows:

35 4. Investigation. Before a license is issued or renewed, there shall
36 be an investigation of all statements required in the application by the
37 duly constituted police authorities of the locality where such applica-
38 tion is made[, ~~including but not limited to such records as may be~~
39 ~~accessible to the division of state police or division of criminal~~
40 ~~justice services pursuant to section 400.02 of this article]. For that
41 purpose, the records of the appropriate office of the department of
42 mental hygiene concerning previous or present mental illness of the
43 applicant shall be available for inspection by the investigating officer
44 of the police authority. Where the applicant is domiciled in a foreign
45 state, the investigation shall include inquiry of the foreign state for
46 records concerning the previous or present mental illness of the appli-
47 cant, and, to the extent necessary for inspection by the investigating
48 officer, the applicant shall execute a waiver of confidentiality of such
49 record in such form as may be required by the foreign state. In order to
50 ascertain any previous criminal record, the investigating officer shall
51 take the fingerprints and physical descriptive data in quadruplicate of
52 each individual by whom the application is signed and verified. Two
53 copies of such fingerprints shall be taken on standard fingerprint cards
54 eight inches square, and one copy may be taken on a card supplied for
55 that purpose by the federal bureau of investigation; provided, however,
56 that in the case of a corporate applicant that has already been issued a~~

1 dealer in firearms license and seeks to operate a firearm dealership at
2 a second or subsequent location, the original fingerprints on file may
3 be used to ascertain any criminal record in the second or subsequent
4 application unless any of the corporate officers have changed since the
5 prior application, in which case the new corporate officer shall comply
6 with procedures governing an initial application for such license. When
7 completed, one standard card shall be forwarded to and retained by the
8 division of criminal justice services in the executive department, at
9 Albany. A search of the files of such division and written notification
10 of the results of the search to the investigating officer shall be made
11 without unnecessary delay. Thereafter, such division shall notify the
12 licensing officer and the executive department, division of state
13 police, Albany, of any criminal record of the applicant filed therein
14 subsequent to the search of its files. A second standard card, or the
15 one supplied by the federal bureau of investigation, as the case may be,
16 shall be forwarded to that bureau at Washington with a request that the
17 files of the bureau be searched and notification of the results of the
18 search be made to the investigating police authority. Of the remaining
19 two fingerprint cards, one shall be filed with the executive department,
20 division of state police, Albany, within ten days after issuance of the
21 license, and the other remain on file with the investigating police
22 authority. No such fingerprints may be inspected by any person other
23 than a peace officer, who is acting pursuant to his or her special
24 duties, or a police officer, except on order of a judge or justice of a
25 court of record either upon notice to the licensee or without notice, as
26 the judge or justice may deem appropriate. Upon completion of the inves-
27 tigation, the police authority shall report the results to the licensing
28 officer without unnecessary delay.

29 5. Filing of approved applications. (a) The application for any
30 license, if granted, shall be filed by the licensing officer with the
31 clerk of the county of issuance, except that in the city of New York
32 and, in the counties of Nassau and Suffolk, the licensing officer shall
33 designate the place of filing in the appropriate division, bureau or
34 unit of the police department thereof, and in the county of Suffolk the
35 county clerk is hereby authorized to transfer all records or applica-
36 tions relating to firearms to the licensing authority of that county.
37 Except as provided in paragraphs (b) through [~~(f)~~] (e) of this subdivi-
38 sion, the name and address of any person to whom an application for any
39 license has been granted shall be a public record. Upon application by a
40 licensee who has changed his place of residence such records or applica-
41 tions shall be transferred to the appropriate officer at the licensee's
42 new place of residence. A duplicate copy of such application shall be
43 filed by the licensing officer in the executive department, division of
44 state police, Albany, within ten days after issuance of the license. The
45 superintendent of state police may designate that such application shall
46 be transmitted to the division of state police electronically. In the
47 event the superintendent of the division of state police determines that
48 it lacks any of the records required to be filed with the division, it
49 may request that such records be provided to it by the appropriate
50 clerk, department or authority and such clerk, department or authority
51 shall provide the division with such records. In the event such clerk,
52 department or authority lacks such records, the division may request the
53 license holder provide information sufficient to constitute such record
54 and such license holder shall provide the division with such informa-
55 tion. Such information shall be limited to the license holder's name,
56 date of birth, gender, race, residential address, social security number

1 and firearms possessed by said license holder. Nothing in this subdivi-
2 sion shall be construed to change the expiration date or term of such
3 licenses if otherwise provided for in law. [~~Records assembled or~~
4 ~~collected for purposes of inclusion in the database established by this~~
5 ~~section shall be released pursuant to a court order. Records assembled~~
6 ~~or collected for purposes of inclusion in the database created pursuant~~
7 ~~to section 400.02 of this chapter shall not be subject to disclosure~~
8 ~~pursuant to article six of the public officers law.]~~

9 (b) Each application for a license pursuant to paragraph (a) of this
10 subdivision shall include, on a separate written form prepared by the
11 division of state police within thirty days of the effective date of
12 [~~the~~] chapter one of the laws of two thousand thirteen, which amended
13 this section, and provided to the applicant at the same time and in the
14 same manner as the application for a license, an opportunity for the
15 applicant to request an exception from his or her application informa-
16 tion becoming public record pursuant to paragraph (a) of this subdivi-
17 sion. Such forms, which shall also be made available to individuals who
18 had applied for or been granted a license prior to the effective date of
19 [~~the~~] chapter one of the laws of two thousand thirteen which amended
20 this section, shall notify applicants that, upon discovery that an
21 applicant knowingly provided false information, such applicant may be
22 subject to penalties pursuant to section 175.30 of this chapter, and
23 further, that his or her request for an exception shall be null and
24 void, provided that written notice containing such determination is
25 provided to the applicant. Further, such forms shall provide each appli-
26 cant an opportunity to specify the grounds on which he or she believes
27 his or her application information should not be publicly disclosed.
28 These grounds, which shall be identified on the application with a box
29 beside each for checking, as applicable, by the applicant, shall be as
30 follows:

31 (i) the applicant's life or safety may be endangered by disclosure
32 because:

33 (A) the applicant is an active or retired police officer, peace offi-
34 cer, probation officer, parole officer, or corrections officer;

35 (B) the applicant is a protected person under a currently valid order
36 of protection;

37 (C) the applicant is or was a witness in a criminal proceeding involv-
38 ing a criminal charge;

39 (D) the applicant is participating or previously participated as a
40 juror in a criminal proceeding, or is or was a member of a grand jury;
41 or

42 (E) the applicant is a spouse, domestic partner or household member of
43 a person identified in this subparagraph or subparagraph (ii) of this
44 paragraph, specifying which subparagraph or subparagraphs and clauses
45 apply.

46 (ii) the applicant has reason to believe his or her life or safety may
47 be endangered by disclosure due to reasons stated by the applicant.

48 (iii) the applicant has reason to believe he or she may be subject to
49 unwarranted harassment upon disclosure of such information.

50 (c) [~~Each form provided for recertification pursuant to paragraph (b)~~
51 ~~of subdivision ten of this section shall include an opportunity for the~~
52 ~~applicant to request an exception from the information provided on such~~
53 ~~form becoming public record pursuant to paragraph (a) of this subdivi-~~
54 ~~sion. Such forms shall notify applicants that, upon discovery that an~~
55 ~~applicant knowingly provided false information, such applicant may be~~
56 ~~subject to penalties pursuant to section 175.30 of this chapter, and~~

~~1 further, that his or her request for an exception shall be null and
2 void, provided that written notice containing such determination is
3 provided to the applicant. Further, such forms shall provide each appli-
4 cant an opportunity to either decline to request the grant or continua-
5 tion of an exception, or specify the grounds on which he or she believes
6 his or her information should not be publicly disclosed. These grounds,
7 which shall be identified in the application with a box beside each for
8 checking, as applicable, by the applicant, shall be the same as provided
9 in paragraph (b) of this subdivision.~~

10 (d) Information submitted on the forms described in paragraph (b) of
11 this subdivision shall be excepted from disclosure and maintained by the
12 entity retaining such information separate and apart from all other
13 records.

14 ~~(e)~~ (d) (i) Upon receiving a request for exception from disclosure,
15 the licensing officer shall grant such exception, unless the request is
16 determined to be null and void, pursuant to paragraph (b) ~~or (e)~~ of
17 this subdivision.

18 (ii) A request for an exception from disclosure may be submitted at
19 any time, including after a license or recertification has been granted.

20 (iii) If an exception is sought and granted pursuant to paragraph (b)
21 of this subdivision, the application information shall not be public
22 record, unless the request is determined to be null and void. ~~[If an
23 exception is sought and granted pursuant to paragraph (e) of this subdivi-
24 sion, the information concerning such recertification application
25 shall not be public record, unless the request is determined to be null
26 and void. Notwithstanding the foregoing provisions of this subparagraph,
27 local and state law enforcement shall, upon request, be granted access
28 to and copies of such application information provided that such infor-
29 mation obtained by law enforcement pursuant to this subparagraph shall
30 not be considered a public record of such law enforcement agency.]~~

31 ~~(f)~~ (e) The information of licensees or applicants for a license
32 shall not be disclosed to the public during the first one hundred twenty
33 days following the effective date of ~~the~~ chapter one of the laws of
34 two thousand thirteen, which amended this section. After such period,
35 the information of those who had applied for or been granted a license
36 prior to the preparation of the form for requesting an exception, pursu-
37 ant to paragraph (b) of this subdivision, may be released only if such
38 individuals did not file a request for such an exception during the
39 first sixty days following such preparation; provided, however, that no
40 information contained in an application for licensure or recertification
41 shall be disclosed by an entity that has not completed processing any
42 such requests received during such sixty days.

43 ~~(g)~~ (f) If a request for an exception is determined to be null and
44 void pursuant to paragraph (b) ~~or (e)~~ of this subdivision, an appli-
45 cant may request review of such determination pursuant to article seven-
46 ty-eight of the civil practice ~~laws~~ law and rules. Such proceeding
47 must commence within thirty days after service of the written notice
48 containing the adverse determination. Notice of the right to commence
49 such a petition, and the time period therefor, shall be included in the
50 notice of the determination. Disclosure following such a petition shall
51 not be made prior to the disposition of such review.

52 10. License: expiration, certification and renewal. ~~(a)~~ Any license
53 for gunsmith or dealer in firearms and, in the city of New York, any
54 license to carry or possess a pistol or revolver, issued at any time
55 pursuant to this section or prior to the first day of July, nineteen
56 hundred sixty-three and not limited to expire on an earlier date fixed

1 in the license, shall expire not more than three years after the date of
2 issuance. In the counties of Nassau, Suffolk and Westchester, any
3 license to carry or possess a pistol or revolver, issued at any time
4 pursuant to this section or prior to the first day of July, nineteen
5 hundred sixty-three and not limited to expire on an earlier date fixed
6 in the license, shall expire not more than five years after the date of
7 issuance; however, in the county of Westchester, any such license shall
8 be certified prior to the first day of April, two thousand, in accord-
9 ance with a schedule to be contained in regulations promulgated by the
10 commissioner of the division of criminal justice services, and every
11 such license shall be recertified every five years thereafter. For
12 purposes of this section certification shall mean that the licensee
13 shall provide to the licensing officer the following information only:
14 current name, date of birth, current address, and the make, model, cali-
15 ber and serial number of all firearms currently possessed. Such certif-
16 ication information shall be filed by the licensing officer in the same
17 manner as an amendment. Elsewhere than in the city of New York and the
18 counties of Nassau, Suffolk and Westchester, any license to carry or
19 possess a pistol or revolver, issued at any time pursuant to this
20 section or prior to the first day of July, nineteen hundred sixty-three
21 and not previously revoked or cancelled, shall be in force and effect
22 until revoked as herein provided. Any license not previously cancelled
23 or revoked shall remain in full force and effect for thirty days beyond
24 the stated expiration date on such license. Any application to renew a
25 license that has not previously expired, been revoked or cancelled shall
26 thereby extend the term of the license until disposition of the applica-
27 tion by the licensing officer. In the case of a license for gunsmith or
28 dealer in firearms, in counties having a population of less than two
29 hundred thousand inhabitants, photographs and fingerprints shall be
30 submitted on original applications and upon renewal thereafter only at
31 six year intervals. Upon satisfactory proof that a currently valid
32 original license has been despoiled, lost or otherwise removed from the
33 possession of the licensee and upon application containing an additional
34 photograph of the licensee, the licensing officer shall issue a dupli-
35 cate license.

36 ~~[(b) All licensees shall be recertified to the division of state~~
37 ~~police every five years thereafter. Any license issued before the effec-~~
38 ~~tive date of the chapter of the laws of two thousand thirteen which~~
39 ~~added this paragraph shall be recertified by the licensee on or before~~
40 ~~January thirty first, two thousand eighteen, and not less than one year~~
41 ~~prior to such date, the state police shall send a notice to all license~~
42 ~~holders who have not recertified by such time. Such recertification~~
43 ~~shall be in a form as approved by the superintendent of state police,~~
44 ~~which shall request the license holder's name, date of birth, gender,~~
45 ~~race, residential address, social security number, firearms possessed by~~
46 ~~such license holder, email address at the option of the license holder~~
47 ~~and an affirmation that such license holder is not prohibited from~~
48 ~~possessing firearms. The form may be in an electronic form if so desig-~~
49 ~~nated by the superintendent of state police. Failure to recertify shall~~
50 ~~act as a revocation of such license. If the New York state police~~
51 ~~discover as a result of the recertification process that a licensee~~
52 ~~failed to provide a change of address, the New York state police shall~~
53 ~~not require the licensing officer to revoke such license.]~~

54 11. License: revocation and suspension. (a) The conviction of a licen-
55 see anywhere of a felony or serious offense [~~or a licensee at any time~~
56 ~~becoming ineligible to obtain a license under this section~~] shall oper-

1 ate as a revocation of the license. A license may be revoked or
2 suspended as provided for in section 530.14 of the criminal procedure
3 law or section eight hundred forty-two-a of the family court act. Except
4 for a license issued pursuant to section 400.01 of this article, a
5 license may be revoked and cancelled at any time in the city of New
6 York, and in the counties of Nassau and Suffolk, by the licensing offi-
7 cer, and elsewhere than in the city of New York by any judge or justice
8 of a court of record; a license issued pursuant to section 400.01 of
9 this article may be revoked and cancelled at any time by the licensing
10 officer or any judge or justice of a court of record. The official
11 revoking a license shall give written notice thereof without unnecessary
12 delay to the executive department, division of state police, Albany, and
13 shall also notify immediately the duly constituted police authorities of
14 the locality.

15 (b) Whenever the director of community services in the counties of
16 Kings, Queens, Richmond, New York and Bronx, or his or her designee
17 makes a report pursuant to section 9.46 of the mental hygiene law, the
18 division of criminal justice services shall convey such information,
19 whenever it determines that the person named in the report possesses a
20 license issued pursuant to this section, to the appropriate licensing
21 official, who shall issue an order suspending or revoking such license.

22 (c) In any instance in which a person's license is suspended or
23 revoked under paragraph (a) or (b) of this subdivision, such person
24 shall surrender such license to the appropriate licensing official and
25 any and all firearms, rifles, or shotguns owned or possessed by such
26 person shall be surrendered to an appropriate law enforcement agency as
27 provided in subparagraph (f) of paragraph one of subdivision a of
28 section 265.20 of this chapter. In the event such license, firearm,
29 shotgun, or rifle is not surrendered, such items shall be removed and
30 declared a nuisance and any police officer or peace officer acting
31 pursuant to his or her special duties is authorized to remove any and
32 all such weapons.

33 12. Records required of gunsmiths and dealers in firearms. Any person
34 licensed as gunsmith or dealer in firearms shall keep a record book
35 approved as to form, except in the city of New York, by the superinten-
36 dent of state police. In the record book shall be entered at the time of
37 every transaction involving a firearm the date, name, age, occupation
38 and residence of any person from whom a firearm is received or to whom a
39 firearm is delivered, and the calibre, make, model, manufacturer's name
40 and serial number, or if none, any other distinguishing number or iden-
41 tification mark on such firearm. Before delivering a firearm to any
42 person, the licensee shall require him to produce either a license valid
43 under this section to carry or possess the same, or proof of lawful
44 authority as an exempt person pursuant to section 265.20 of this chapter
45 and either (a) the National Instant Criminal Background Check System
46 (NICS) or its successor has issued a "proceed" response to the licensee,
47 or (b) thirty calendar days have elapsed since the date the licensee
48 contacted NICS to initiate a national instant criminal background check
49 and NICS has not notified the licensee that the transfer of the firearm
50 to such person should be denied. In addition, before delivering a
51 firearm to a peace officer, the licensee shall verify that person's
52 status as a peace officer with the division of state police. After
53 completing the foregoing, the licensee shall remove and retain the
54 attached coupon and enter in the record book the date of such license,
55 number, if any, and name of the licensing officer, in the case of the
56 holder of a license to carry or possess, or the shield or other number,

1 if any, assignment and department, unit or agency, in the case of an
2 exempt person. The original transaction report shall be forwarded to the
3 division of state police within ten days of delivering a firearm to any
4 person, and a duplicate copy shall be kept by the licensee. The super-
5 intendent of state police may designate that such record shall be
6 completed and transmitted in electronic form. A dealer may be granted a
7 waiver from transmitting such records in electronic form if the super-
8 intendent determines that such dealer is incapable of such transmission
9 due to technological limitations that are not reasonably within the
10 control of the dealer, or other exceptional circumstances demonstrated
11 by the dealer, pursuant to a process established in regulation, and at
12 the discretion of the superintendent. [~~Records assembled or collected~~
13 ~~for purposes of inclusion in the database created pursuant to section~~
14 ~~400.02 of this article shall not be subject to disclosure pursuant to~~
15 ~~article six of the public officers law.~~] The record book shall be main-
16 tained on the premises mentioned and described in the license and shall
17 be open at all reasonable hours for inspection by any peace officer,
18 acting pursuant to his special duties, or police officer. In the event
19 of cancellation or revocation of the license for gunsmith or dealer in
20 firearms, or discontinuance of business by a licensee, such record book
21 shall be immediately surrendered to the licensing officer in the city of
22 New York, and in the counties of Nassau and Suffolk, and elsewhere in
23 the state to the executive department, division of state police.

24 § 30. Subdivision 16-a of section 400.00 of the penal law, as added by
25 chapter 1 of the laws of 2013, paragraph (a-1) as added by chapter 98 of
26 the laws of 2013, is amended to read as follows:

27 16-a. Registration. (a) An owner of a weapon defined in [~~paragraph (e)~~
28 ~~or (f)~~] subparagraph (v) or (vi) of paragraph (b) of subdivision twen-
29 ty-two of section 265.00 of this chapter, who resides in the county of
30 Kings, Queens, Richmond, New York or Bronx, possessed before the date of
31 the effective date of [~~the~~] chapter one of the laws of two thousand
32 thirteen which added this paragraph, must make an application to regis-
33 ter such weapon with the superintendent of state police, in the manner
34 provided by the superintendent, or by amending a license issued pursuant
35 to this section within one year of the effective date of this subdivi-
36 sion except any weapon defined under [~~subparagraph (vi)~~] clause (F) of
37 subparagraph (vii) of paragraph [~~(g)~~] (b) of subdivision twenty-two of
38 section 265.00 of this chapter transferred into the state may be regis-
39 tered at any time, provided such weapons are registered within thirty
40 days of their transfer into the state. Registration information shall
41 include the registrant's name, date of birth, gender, race, residential
42 address, social security number and a description of each weapon being
43 registered. A registration in the county of Kings, Queens, Richmond, New
44 York or Bronx, of any weapon defined under [~~subparagraph (vi)~~] clause
45 (F) of subparagraph (vii) of paragraph [~~(g)~~] (b) of subdivision twenty-
46 two of section 265.00 or a feeding device as defined under subdivision
47 twenty-three of section 265.00 of this chapter shall be transferable,
48 provided that the seller notifies the division of state police within
49 seventy-two hours of the transfer and the buyer provides the division of
50 state police with information sufficient to constitute a registration
51 under this section. Such registration shall not be valid if such regis-
52 trant is prohibited or becomes prohibited from possessing a firearm
53 pursuant to state or federal law. The superintendent shall determine
54 whether such registrant is prohibited from possessing a firearm under
55 state or federal law. Such check shall be limited to determining whether
56 the factors in 18 USC 922 (g) apply or whether a registrant has been

1 convicted of a serious offense as defined in subdivision sixteen-b of
2 section 265.00 of this chapter, so as to prohibit such registrant from
3 possessing a firearm, and whether a report has been issued pursuant to
4 section 9.46 of the mental hygiene law. [~~All~~] Such registrants shall
5 recertify to the division of state police every five years thereafter.
6 Failure to recertify shall result in a revocation of such registration.

7 (a-1) Notwithstanding any inconsistent provisions of paragraph (a) of
8 this subdivision, an owner, who resides in the county of Kings, Queens,
9 Richmond, New York or Bronx, of an assault weapon as defined in subdivi-
10 sion twenty-two of section 265.00 of this chapter, who is a qualified
11 retired New York or federal law enforcement officer as defined in subdivi-
12 sion twenty-five of section 265.00 of this chapter, where such weapon
13 was issued to or purchased by such officer prior to retirement and in
14 the course of his or her official duties, and for which such officer was
15 qualified by the agency that employed such officer within twelve months
16 prior to his or her retirement, must register such weapon within sixty
17 days of retirement.

18 (b) The superintendent of state police shall create and maintain an
19 internet website to educate the public, who reside in the county of
20 Kings, Queens, Richmond, New York or Bronx, as to which semiautomatic
21 rifle, semiautomatic shotgun or semiautomatic pistol or weapon that are
22 illegal as a result of the enactment of [~~the~~] chapter one of the laws of
23 two thousand thirteen which added this paragraph, as well as such
24 assault weapons which are illegal pursuant to article two hundred
25 sixty-five of this chapter. Such website shall contain information to
26 assist [~~the~~] such public in recognizing the relevant features proscribed
27 by such article two hundred sixty-five, as well as which make and model
28 of weapons that require registration.

29 (c) A person, who resides in the county of Kings, Queens, Richmond,
30 New York or Bronx, who knowingly fails to apply to register such weapon,
31 as required by this section, within one year of the effective date of
32 [~~the~~] chapter one of the laws of two thousand thirteen which added this
33 paragraph shall be guilty of a class A misdemeanor and such person who
34 unknowingly fails to validly register such weapon within such one year
35 period shall be given a warning by an appropriate law enforcement
36 authority about such failure and given thirty days in which to apply to
37 register such weapon or to surrender it. A failure to apply or surrender
38 such weapon within such thirty-day period shall result in such weapon
39 being removed by an appropriate law enforcement authority and declared a
40 nuisance.

41 § 31. Section 400.02 of the penal law is REPEALED.

42 § 32. Section 400.03 of the penal law, as added by chapter 1 of the
43 laws of 2013, is amended to read as follows:

44 § 400.03 Sellers of ammunition.

45 1. A seller of ammunition as defined in subdivision twenty-four of
46 section 265.00 of this chapter doing business in the county of Kings,
47 Queens, Richmond, New York or Bronx, shall register with the superinten-
48 dent of state police in a manner provided by the superintendent. Any
49 dealer in firearms that is validly licensed pursuant to section 400.00
50 of this article shall not be required to complete such registration.

51 2. Any seller of ammunition or dealer in firearms doing business in
52 the county of Kings, Queens, Richmond, New York or Bronx, shall keep a
53 record book approved as to form by the superintendent of state police.
54 In the record book shall be entered at the time of every transaction
55 involving ammunition the date, name, age, occupation and residence of
56 any person from whom ammunition is received or to whom ammunition is

1 delivered, and the amount, calibre, manufacturer's name and serial
2 number, or if none, any other distinguishing number or identification
3 mark on such ammunition. The record book shall be maintained on the
4 premises mentioned and described in the license and shall be open at all
5 reasonable hours for inspection by any peace officer, acting pursuant to
6 his or her special duties, or police officer. Any record produced pursu-
7 ant to this section and any transmission thereof to any government agen-
8 cy shall not be considered a public record for purposes of article six
9 of the public officers law.

10 3. [~~No later than thirty days after the superintendent of the state~~
11 ~~police certifies that the statewide license and record database estab-~~
12 ~~lished pursuant to section 400.02 of this article is operational for the~~
13 ~~purposes of this section, a] A dealer in firearms licensed pursuant to
14 section 400.00 of this article, a seller of ammunition as defined in
15 subdivision twenty-four of section 265.00 of this chapter doing business
16 in the county of Kings, Queens, Richmond, New York or Bronx, shall not
17 transfer any ammunition to any other person who is not a dealer in
18 firearms as defined in subdivision nine of such section 265.00 or a
19 seller of ammunition as defined in subdivision twenty-four of section
20 265.00 of this chapter, unless:~~

21 (a) before the completion of the transfer, the licensee or seller
22 contacts the [~~statewide license and record database~~] superintendent of
23 state police and provides the [~~database~~] superintendent with information
24 sufficient to identify such dealer or seller, transferee based on infor-
25 mation on the transferee's identification document as defined in para-
26 graph (c) of this subdivision, as well as the amount, calibre, manufac-
27 turer's name and serial number, if any, of such ammunition;

28 (b) the [~~system~~] superintendent provides the licensee or seller with a
29 unique identification number; and

30 (c) the transferor has verified the identity of the transferee by
31 examining a valid state identification document of the transferee issued
32 by the department of motor vehicles or if the transferee is not a resi-
33 dent of the state of New York, a valid identification document issued by
34 the transferee's state or country of residence containing a photograph
35 of the transferee.

36 4. If the [~~database~~] superintendent of state police determines that
37 the purchaser of ammunition is eligible to possess ammunition pursuant
38 to state and federal laws, [~~the system~~] he or she shall:

39 (a) assign a unique identification number to the transfer; and

40 (b) provide the licensee or seller with the number.

41 5. If the [~~statewide license and record database~~] superintendent of
42 state police notifies the licensee or seller that the information avail-
43 able [~~to the database~~] does not demonstrate that the receipt of ammuni-
44 tion by such other person would violate 18 U.S.C. 922(g) or state law,
45 and the licensee transfers ammunition to such other person, the licensee
46 shall indicate to the [~~database~~] superintendent that such transaction
47 has been completed at which point a record of such transaction shall be
48 created which shall be accessible by the division of state police and
49 maintained for no longer than one year from point of purchase[, ~~which~~
50 ~~shall not be incorporated into the database established pursuant to~~
51 ~~section 400.02 of this article or the registry established pursuant to~~
52 ~~subdivision sixteen-a of section 400.00 of this article]. The division
53 of state police may share such information with a local law enforcement
54 agency. Evidence of the purchase of ammunition is not sufficient to
55 establish probable cause to believe that the purchaser has committed a
56 crime absent other information tending to prove the commission of a~~

1 crime. Records assembled or accessed pursuant to this section shall not
2 be subject to disclosure pursuant to article six of the public officers
3 law. This requirement of this section shall not apply (i) if a back-
4 ground check cannot be completed because the system is not operational
5 as determined by the superintendent of state police, or where it cannot
6 be accessed by the practitioner due to a temporary technological or
7 electrical failure, as set forth in regulation, or (ii) a dealer or
8 seller has been granted a waiver from conducting such background check
9 if the superintendent of state police determines that such dealer is
10 incapable of such check due to technological limitations that are not
11 reasonably within the control of the dealer, or other exceptional
12 circumstances demonstrated by the dealer, pursuant to a process estab-
13 lished in regulation, and at the discretion of such superintendent.

14 6. If the superintendent of state police certifies that background
15 checks of ammunition purchasers in the county of Kings, Queens, Rich-
16 mond, New York or Bronx may be conducted through the national instant
17 criminal background check system, use of that system by a dealer or
18 seller shall be sufficient to satisfy subdivisions four and five of this
19 section and such checks shall be conducted through such system, provided
20 that a record of such transaction shall be forwarded to the state police
21 in a form determined by the superintendent.

22 7. No commercial transfer of ammunition shall take place in the county
23 of Kings, Queens, Richmond, New York or Bronx unless a licensed dealer
24 in firearms or registered seller of ammunition acts as an intermediary
25 between the transferor and the ultimate transferee of the ammunition for
26 the purposes of contacting the statewide license and record database
27 pursuant to this section. Such transfer between the dealer or seller,
28 and transferee must occur in person.

29 8. A seller of ammunition who fails to register pursuant to this
30 section and sells ammunition, for a first offense, shall be guilty of a
31 violation and subject to the fine of one thousand dollars and for a
32 second offense, shall be guilty of a class A misdemeanor.

33 A seller of ammunition that fails to keep any record required pursuant
34 to this section, for a first offense shall be guilty of a violation and
35 subject to a fine of five hundred dollars, and for a second offense
36 shall be guilty of a class B misdemeanor, and the registration of such
37 seller shall be revoked.

38 § 33. Paragraph (a) of subdivision 1 and subdivision 3 of section
39 400.10 of the penal law, as amended by chapter 1 of the laws of 2013,
40 are amended to read as follows:

41 (a) Any owner or other person lawfully in possession of: (i) a
42 firearm, rifle or[7] shotgun who suffers the loss or theft of said weap-
43 on; (ii) in the county of Kings, Queens, Richmond, New York or Bronx,
44 ammunition as well as a firearm, rifle or shotgun who suffers the loss
45 or theft of such ammunition as well as a firearm, rifle or shotgun; or
46 (iii) in the county of Kings, Queens, Richmond, New York or Bronx, ammu-
47 nition and is a dealer in firearms or seller of ammunition who suffers
48 the loss or theft of such ammunition shall within twenty-four hours of
49 the discovery of the loss or theft report the facts and circumstances of
50 the loss or theft to a police department or sheriff's office.

51 3. Notwithstanding any other provision of law, a violation of para-
52 graph (a) of subdivision one of this section shall be [~~a class A misde-~~
53 ~~meanor~~] punishable only by a fine not to exceed one hundred dollars.

54 § 34. Section 2509 of the surrogate's court procedure act, as added by
55 chapter 1 of the laws of 2013, is amended to read as follows:

56 § 2509. Firearms inventory

1 Whenever, by regulation, rule or statute, a fiduciary or attorney of
2 record in the county of Kings, Queens, Richmond, New York or Bronx must
3 file a list of assets constituting a decedent's estate, such list must
4 include a particularized description of every firearm, shotgun and
5 rifle, as such terms are defined in section 265.00 of the penal law,
6 that are part of such estate. Such list must be filed with the surro-
7 gate's court in the county in which the estate proceeding, if any, is
8 pending and a copy must be filed with the division of criminal justice
9 services.

10 § 35. This act shall take effect immediately.