STATE OF NEW YORK

5814--A

2021-2022 Regular Sessions

IN SENATE

March 19, 2021

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to establishing a voluntary waiver of the right to purchase firearms, rifles, or shotguns

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

Section 1. The executive law is amended by adding a new section 221-e to read as follows:

§ 221-e. Voluntary waiver of right to purchase firearms, rifles, or shotguns. 1. An individual may file a voluntary waiver of the right to purchase a firearm, rifle or shotgun with the division of state police, in a form that shall be determined by the superintendent. Such individual shall then be prohibited from purchasing firearms, rifles and shotguns. The division of state police shall verify the individual's identity prior to accepting such form. The individual filing the waiver may provide an alternate individual to be contacted if the waiver is revoked as set forth in subdivision three of this section.

2. The division of state police shall maintain statewide records of individuals who waive the right to purchase firearms, rifles or shotguns as set forth in subdivision one of this section and revocations of such waivers as set forth in subdivision three of this section. Such records shall be maintained for internal use in a manner determined by the superintendent. The division of state police shall enter each waiver into the national instant criminal background check system and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms, rifles and shotguns within twenty-four hours of receipt of the waiver.

3. No sooner than twenty-one days after filing a waiver under the provisions of subdivision one of this section, an individual may file a

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

LBD02158-02-1

revocation of the waiver with the division of state police in a form that shall be determined by the superintendent. The division of state police shall verify the individual's identity prior to accepting such revocation. The division of state police shall enter the revocation of the waiver into the national instant criminal background check system and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms, rifles and shotguns within twenty-four hours of receipt of the revocation form, to indicate that the individual is no longer a prohibited purchaser of firearms, rifles or shotguns due to the voluntary waiver.

4. A waiver pursuant to this section may not be required of an individual as a condition for receiving employment, benefits or services.

5. No records required by this section shall be subject to disclosure and shall be confidential with respect to all matters involving health care, employment, education, housing, insurance, government benefits, and contracting.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.