

# STATE OF NEW YORK

8954

## IN SENATE

May 2, 2022

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 penal law, in relation to qualified firearms instructors

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

1 Section 1. Subdivision 19 of section 265.00 of the penal law, as  
2 amended by chapter 150 of the laws of 2020, is amended to read as  
3 follows:

4 19. "Duly authorized instructor" means (a) a duly commissioned officer  
5 of the United States army, navy, marine corps or coast guard, or of the  
6 national guard of the state of New York; or (b) a duly qualified adult  
7 citizen of the United States who has been granted a certificate as an  
8 instructor in small arms practice issued by the United States army, navy  
9 or marine corps, or by the adjutant general of this state, or by the  
10 national rifle association of America, a not-for-profit corporation duly  
11 organized under the laws of this state; (c) by a person duly qualified  
12 and designated by the department of environmental conservation under  
13 paragraph c of subdivision three of section 11-0713 of the environmental  
14 conservation law as its agent in the giving of instruction and the  
15 making of certifications of qualification in responsible hunting prac-  
16 tices; ~~[or]~~ (d) a New York state 4-H certified shooting sports instruc-  
17 tor; or (e) a qualified firearms instructor.

18 § 2. Section 265.00 of the penal law is amended by adding a new subdi-  
19 vision 33 to read as follows:

20 33. "Qualified firearms instructor" means an individual who holds a  
21 certificate as a firearms instructor from an association or organization  
22 recognized by the division of criminal justice services.

23 § 3. Paragraph 7-b of subdivision a of section 265.20 of the penal  
24 law, as amended by chapter 511 of the laws of 2014, is amended to read  
25 as follows:

26 7-b. Possession and use, at an indoor or outdoor pistol range located  
27 in or on premises owned or occupied by a duly incorporated organization  
28 organized for conservation purposes or to foster proficiency in small

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

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1 arms or at a target pistol shooting competition under the auspices of or  
2 approved by the national rifle association for the purpose of loading  
3 and firing the same, by a person who has applied for a license to  
4 possess a pistol or revolver and pre-license possession of same pursuant  
5 to section 400.00 or 400.01 of this chapter, who has not been previously  
6 denied a license, been previously convicted of a felony or serious  
7 offense, and who does not appear to be, or pose a threat to be, a danger  
8 to himself or to others, and who has been approved for possession and  
9 use herein in accordance with section 400.00 or 400.01 of this chapter;  
10 provided however, that such possession shall be of a pistol or revolver  
11 duly licensed to and shall be used under the supervision, guidance and  
12 instruction of, a person specified in paragraph seven of this subdivi-  
13 sion, or a qualified firearms instructor, and provided further that such  
14 possession and use be within the jurisdiction of the licensing officer  
15 with whom the person has made application therefor or within the juris-  
16 diction of the superintendent of state police in the case of a retired  
17 sworn member of the division of state police who has opted to make an  
18 application pursuant to section 400.01 of this chapter.  
19 § 4. This act shall take effect immediately.