

STATE OF NEW YORK

1839

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to permitting security guards and private investigators licensed to possess or carry a firearm to possess and carry such firearm in New York City without obtaining a special permit from the police commissioner of the city of New York

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

1 Section 1. Subdivision 6 of section 400.00 of the penal law, as
2 amended by chapter 104 of the laws of 2019, is amended to read as
3 follows:

4 6. License: validity. Any license issued pursuant to this section
5 shall be valid notwithstanding the provisions of any local law or ordi-
6 nance. No license shall be transferable to any other person or prem-
7 ises. A license to carry or possess a pistol or revolver, not otherwise
8 limited as to place or time of possession, shall be effective throughout
9 the state, except that the same shall not be valid within the city of
10 New York unless a special permit granting validity is issued by the
11 police commissioner of that city. Such license to carry or possess shall
12 be valid within the city of New York in the absence of a permit issued
13 by the police commissioner of that city, provided that (a) the firearms
14 covered by such license have been purchased from a licensed dealer with-
15 in the city of New York and are being transported out of said city
16 forthwith and immediately from said dealer by the licensee in a locked
17 container during a continuous and uninterrupted trip; or provided that
18 (b) the firearms covered by such license are being transported by the
19 licensee in a locked container and the trip through the city of New York
20 is continuous and uninterrupted; or provided that (c) the firearms
21 covered by such license are carried by armored car security guards
22 transporting money or other valuables, in, to, or from motor vehicles
23 commonly known as armored cars, during the course of their employment;

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

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1 or provided that (d) the licensee is a retired police officer as police
2 officer is defined pursuant to subdivision thirty-four of section 1.20
3 of the criminal procedure law or a retired federal law enforcement offi-
4 cer, as defined in section 2.15 of the criminal procedure law, who has
5 been issued a license by an authorized licensing officer as defined in
6 subdivision ten of section 265.00 of this chapter; provided, further,
7 however, that if such license was not issued in the city of New York it
8 must be marked "Retired Police Officer" or "Retired Federal Law Enforce-
9 ment Officer", as the case may be, and, in the case of a retired officer
10 the license shall be deemed to permit only police or federal law
11 enforcement regulations weapons; or provided that (e) the licensee is a
12 peace officer described in subdivision four of section 2.10 of the crim-
13 inal procedure law and the license, if issued by other than the city of
14 New York, is marked "New York State Tax Department Peace Officer" and in
15 such case the exemption shall apply only to the firearm issued to such
16 licensee by the department of taxation and finance; or provided that (f)
17 the licensee is a special armed guard duly registered and in good stand-
18 ing with the department of state pursuant to article seven-A of the
19 general business law, or is a private investigator duly licensed and in
20 good standing with the department of state pursuant to article seven of
21 the general business law. A license as gunsmith or dealer in firearms
22 shall not be valid outside the city or county, as the case may be, where
23 issued. Notwithstanding any inconsistent provision of state or local law
24 or rule or regulation, the premises limitation set forth in any license
25 to have and possess a pistol or revolver in the licensee's dwelling or
26 place of business pursuant to paragraph (a) or (b) of subdivision two of
27 this section shall not prevent the transport of such pistol or revolver
28 directly to or from (i) another dwelling or place of business of the
29 licensee where the licensee is authorized to have and possess such
30 pistol or revolver, (ii) an indoor or outdoor shooting range that is
31 authorized by law to operate as such, (iii) a shooting competition at
32 which the licensee may possess such pistol or revolver consistent with
33 the provisions of subdivision a of section 265.20 of this chapter or
34 consistent with the law applicable at the place of such competition, or
35 (iv) any other location where the licensee is lawfully authorized to
36 have and possess such pistol or revolver; provided however, that during
37 such transport to or from a location specified in clauses (i) through
38 (iv) of this paragraph, the pistol or revolver shall be unloaded and
39 carried in a locked container, and the ammunition therefor shall be
40 carried separately; provided further, however, that a license to have
41 and possess a pistol or revolver in the licensee's dwelling or place of
42 business pursuant to paragraph (a) or (b) of subdivision two of this
43 section that is issued by a licensing officer other than the police
44 commissioner of the city of New York shall not authorize transport of a
45 pistol or revolver into the city of New York in the absence of written
46 authorization to do so by the police commissioner of that city. The term
47 "locked container" shall not include the glove compartment or console of
48 a vehicle.

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