STATE OF NEW YORK

2176

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. SIMON -- Multi-Sponsored by -- M. of A. CRUZ, DINOWITZ, FERNANDEZ, GLICK, GOTTFRIED, GRIFFIN, McDONOUGH, SAYEGH, WILLIAMS -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to security requirements for gunsmiths and dealers in firearms

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

Section 1. Section 400.00 of the penal law is amended by adding a new subdivision 12-d to read as follows:

12-d. Security requirements for gunsmiths and dealers in firearms. Any person licensed as a gunsmith or dealer in firearms shall implement a security plan for securing firearms, rifles and shotguns, including firearms, rifles and shotguns transported in interstate commerce, and shall at all times comply therewith. The plan must satisfy at least the following requirements: (a) all display cases shall be locked at all times except when removing a single firearm, rifle or shotgun to show a customer, and customers shall handle firearms, rifles or shotguns under the direct supervision of an employee; (b) all firearms, rifles and shotguns shall be secured in a locked fireproof safe or vault in the licensed premises or in a similar secured and locked area; and (c) ammunition shall be stored and secured separately from the firearms, rifles and shotguns, and out of reach of the customers.

§ 2. Paragraph (a) of subdivision 11 of section 400.00 the penal law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

(a) The conviction of a licensee anywhere of a felony or serious offense or a licensee at any time becoming ineligible to obtain a license under this section shall operate as a revocation of the license. A license may be revoked or suspended as provided for in section 530.14 of the criminal procedure law or section eight hundred forty-two-a of the family court act. Except for a license issued pursuant to section

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

LBD01134-01-1

400.01 of this article, a license may be revoked and cancelled at any time in the city of New York, and in the counties of Nassau and Suffolk, by the licensing officer, and elsewhere than in the city of New York by any judge or justice of a court of record; a license issued pursuant to section 400.01 of this article may be revoked and cancelled at any time by the licensing officer or any judge or justice of a court of record. **A license to conduct business as a dealer or retail dealer of firearms, rifles, or shotguns issued pursuant to this section shall be revoked or suspended for any violation of subdivision twelve-d of this section.** The official revoking a license shall give written notice thereof without unnecessary delay to the executive department, division of state police, Albany, and shall also notify immediately the duly constituted police authorities of the locality.

§ 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.