STATE OF NEW YORK

8262

2021-2022 Regular Sessions

IN ASSEMBLY

August 25, 2021

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

AN ACT to amend the penal law, in relation to requiring individuals to complete a five-hour firearm, rifle, and shotgun safety course before purchasing a firearm, rifle, shotgun, or ammunition therefor

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

Section 1. The penal law is amended by adding a new section 400.04 to read as follows:

§ 400.04 Firearm, rifle, and shotgun safety course.

1. The commissioner of criminal justice services shall develop a five-hour firearm, rifle, and shotgun safety course designed to educate individuals on the safe and legal storage, use, and transportation of firearms, rifles, and shotguns in New York state.

2. The commissioner of criminal justice services shall develop a process whereby a dealer in firearms, gunsmith, operator or employee of an indoor or outdoor shooting range that is authorized by law to operate as such, gun show operator, firearm exhibitor, or a law enforcement agency or employee thereof may apply to be an authorized safety course instructor.

3. An authorized safety course instructor shall issue a certificate of completion to each individual who completes a safety course administered by such authorized safety course instructor within a reasonable time following the completion of such safety course. Such certificate of completion shall contain the name, date of birth, and address, of the individual to whom such certificate of completion is issued. The authorized safety course instructor issuing a certificate of completion to an individual shall affirm upon such certificate of completion, under the penalties of perjury, that the individual to whom such certificate of completion is issued has completed a safety course administered by such authorized safety course instructor, in its entirety.

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

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4. Notwithstanding any other provision of law, no dealer in firearms, firearm exhibitor, or any other person, firm, partnership, corporation or company otherwise authorized to sell firearms, rifles, and/or shotguns in New York state shall sell a firearm, rifle, or shotgun to any individual unless such individual provides such seller a certificate of completion issued in his or her name and endorsed and affirmed under penalties of perjury by an authorized safety course instructor.

5. For the purposes of this section, the following terms shall have the following meanings:

(a) "Safety course" means the firearm, rifle, and shotgun safety course developed by the commissioner of criminal justice services pursuant to subdivision one of this section.

(b) "Authorized safety course instructor" means an individual or entity authorized by the commissioner of criminal justice services to administer the safety course and issue certificates of completion.

(c) "Certificate of completion" means a certificate verifying that an individual has completed a safety course with an authorized safety course instructor.

(d) "Law enforcement agency" means any agency or department of any municipality, any police district, or any agency, department, commission, authority or public benefit corporation of the state of New York employing a police officer or police officers as that term is defined in paragraphs (a), (b), (c), (d), (e), (f), (j), (k), (l), (o), (p), (s), and (u) of subdivision thirty-four of section 1.20 of the criminal procedure law.

(e) "Gun show operator" shall have the same meaning as defined by section eight hundred ninety-five of the general business law.

(f) "Firearm exhibitor" shall have the same meaning as defined by section eight hundred ninety-five of the general business law.

§ 2. Subdivision 3 of section 400.03 of the penal law, as added by chapter 1 of the laws of 2013, is amended to read as follows:

3. [~~No later than thirty days after the superintendent of the state police certifies that the statewide license and record database established pursuant to section 400.02 of this article is operational for the purposes of this section, a~~] A dealer in firearms licensed pursuant to section 400.00 of this article, or a seller of ammunition as defined in subdivision twenty-four of section 265.00 of this chapter shall not transfer any ammunition to any other person who is not a dealer in firearms as defined in subdivision nine of such section 265.00 or a seller of ammunition as defined in subdivision twenty-four of section 265.00 of this chapter, unless:

(a) before the completion of the transfer, the licensee or seller contacts the statewide license and record database and provides the database with information sufficient to identify such dealer or seller, transferee based on information on the transferee's identification document as defined in paragraph (c) of this subdivision, as well as the amount, calibre, manufacturer's name and serial number, if any, of such ammunition;

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

(c) the transferor has verified the identity of the transferee by examining a valid state identification document of the transferee issued by the department of motor vehicles or if the transferee is not a resident of the state of New York, a valid identification document issued by the transferee's state or country of residence containing a photograph of the transferee; and

(d) if the transferee is not a dealer in firearms or a seller of ammunition as such terms are defined by section 265.00 of this chapter, such transferee provides the transferor a certificate of completion issued in his or her name and endorsed and affirmed under penalties of perjury by an authorized safety course instructor pursuant to section 400.04 of this article.

§ 3. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed by the commissioner of criminal justice services on or before such effective date.