

# 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:

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

3 § 221-e. Voluntary waiver of right to purchase firearms, rifles, or  
4 shotguns. 1. An individual may file a voluntary waiver of the right to  
5 purchase a firearm, rifle or shotgun with the division of state police,  
6 in a form that shall be determined by the superintendent. Such individ-  
7 ual shall then be prohibited from purchasing firearms, rifles and shot-  
8 guns. The division of state police shall verify the individual's identi-  
9 ty prior to accepting such form. The individual filing the waiver may  
10 provide an alternate individual to be contacted if the waiver is revoked  
11 as set forth in subdivision three of this section.

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

22 3. No sooner than twenty-one days after filing a waiver under the  
23 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.

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

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

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

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