

STATE OF NEW YORK

7066

2021-2022 Regular Sessions

IN SENATE

May 26, 2021

Introduced by Sen. BRISPORT -- 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 requiring proof of liability insurance prior to the issuance of a license to carry a firearm

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

1 Section 1. Subdivision 1 of section 400.00 of the penal law, as
2 amended by chapter 1 of the laws of 2013 and paragraph (c) as amended by
3 chapter 60 of the laws of 2018, is amended to read as follows:

4 1. Eligibility. No license shall be issued or renewed pursuant to this
5 section except by the licensing officer, and then only after investi-
6 gation and finding that all statements in a proper application for a
7 license are true. No license shall be issued or renewed except for an
8 applicant (a) twenty-one years of age or older, provided, however, that
9 where such applicant has been honorably discharged from the United
10 States army, navy, marine corps, air force or coast guard, or the
11 national guard of the state of New York, no such age restriction shall
12 apply; (b) of good moral character; (c) who has not been convicted
13 anywhere of a felony or a serious offense or who is not the subject of
14 an outstanding warrant of arrest issued upon the alleged commission of a
15 felony or serious offense; (d) who is not a fugitive from justice; (e)
16 who is not an unlawful user of or addicted to any controlled substance
17 as defined in section 21 U.S.C. 802; (f) who being an alien (i) is not
18 illegally or unlawfully in the United States or (ii) has not been admit-
19 ted to the United States under a nonimmigrant visa subject to the excep-
20 tion in 18 U.S.C. 922(y)(2); (g) who has not been discharged from the
21 Armed Forces under dishonorable conditions; (h) who, having been a citi-
22 zen of the United States, has not renounced his or her citizenship; (i)
23 who has stated whether he or she has ever suffered any mental illness;
24 (j) who has not been involuntarily committed to a facility under the
25 jurisdiction of an office of the department of mental hygiene pursuant

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

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1 to article nine or fifteen of the mental hygiene law, article seven
2 hundred thirty or section 330.20 of the criminal procedure law, section
3 four hundred two or five hundred eight of the correction law, section
4 322.2 or 353.4 of the family court act, or has not been civilly confined
5 in a secure treatment facility pursuant to article ten of the mental
6 hygiene law; (k) who has not had a license revoked or who is not under a
7 suspension or ineligibility order issued pursuant to the provisions of
8 section 530.14 of the criminal procedure law or section eight hundred
9 forty-two-a of the family court act; (l) in the county of Westchester,
10 who has successfully completed a firearms safety course and test as
11 evidenced by a certificate of completion issued in his or her name and
12 endorsed and affirmed under the penalties of perjury by a duly author-
13 ized instructor, except that: (i) persons who are honorably discharged
14 from the United States army, navy, marine corps or coast guard, or of
15 the national guard of the state of New York, and produce evidence of
16 official qualification in firearms during the term of service are not
17 required to have completed those hours of a firearms safety course
18 pertaining to the safe use, carrying, possession, maintenance and stor-
19 age of a firearm; and (ii) persons who were licensed to possess a pistol
20 or revolver prior to the effective date of this paragraph are not
21 required to have completed a firearms safety course and test; (m) who
22 has not had a guardian appointed for him or her pursuant to any
23 provision of state law, based on a determination that as a result of
24 marked subnormal intelligence, mental illness, incapacity, condition or
25 disease, he or she lacks the mental capacity to contract or manage his
26 or her own affairs; ~~[and]~~ (n) who submits proof of personal liability
27 insurance; and (o) concerning whom no good cause exists for the denial
28 of the license. No person shall engage in the business of gunsmith or
29 dealer in firearms unless licensed pursuant to this section. An appli-
30 cant to engage in such business shall also be a citizen of the United
31 States, more than twenty-one years of age and maintain a place of busi-
32 ness in the city or county where the license is issued. For such busi-
33 ness, if the applicant is a firm or partnership, each member thereof
34 shall comply with all of the requirements set forth in this subdivision
35 and if the applicant is a corporation, each officer thereof shall so
36 comply.

37 § 2. This act shall take effect on the first of November next succeed-
38 ing the date on which it shall have become a law and shall apply to
39 licenses issued or renewed on or after such date.