STATE OF NEW YORK

1600

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. BLANKENBUSH, BRABENEC, DeSTEFANO, HAWLEY, ANGELINO, MILLER, McDONOUGH, SMULLEN, TAGUE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to pistol permit applications for military personnel

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

Section 1. Subdivision 4-a of section 400.00 of the penal law, as added by chapter 233 of the laws of 1980, is amended to read as follows:

4-a. Processing of license applications. Applications for licenses shall be accepted for processing by the licensing officer at the time of presentment. Except upon written notice to the applicant specifically stating the reasons for any delay, in each case the licensing officer shall act upon any application for a license pursuant to this section within six months of the date of presentment of such an application to the appropriate authority. Such delay may only be for good cause and with respect to the applicant. In acting upon an application, the licensing officer shall either deny the application for reasons specifically and concisely stated in writing or grant the application and issue the license applied for. **However, an application for a license pursuant to this section for any member of an active or reserve component of the armed forces of the United States shall be acted upon by the licensing officer within ninety days of the date of presentment of such an application to the appropriate authority.**

§ 2. Subdivision 4-a of section 400.00 of the penal law, as amended by chapter 371 of the laws of 2022, is amended to read as follows:

4-a. Appeals from denial of an application, renewal, recertification or license revocation. If an application for a license is denied, not renewed, not recertified, or revoked, the licensing officer shall issue a written notice to the applicant setting forth the reasons for such denial. An applicant may, within ninety days of receipt of such notice,

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

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request a hearing to appeal the denial to the appeals board created by the division of criminal justice services and the superintendent of state police. An individual may be represented by counsel at any appearance before the appeals board and shall be afforded an opportunity to present additional evidence in support of their application. The commissioner of criminal justice services and the superintendent of state police shall promulgate rules and regulations governing such appeals process. **However, an application for a license pursuant to this section for any member of an active or reserve component of the armed forces of the United States shall be acted upon by the licensing officer within ninety days of the date of presentment of such an application to the appropriate authority.**

§ 3. The penal law is amended by adding a new section 400.15 to read as follows:

§ 400.15 Reciprocity for qualified military personnel.

1. Notwithstanding any other provision of law to the contrary, any member of an active or reserve component of the armed forces of the United States who is duly licensed to carry a pistol or firearm by another jurisdiction within the United States shall be allowed to carry such pistol or firearm within New York state for a period of time not to exceed ninety days, and for the period of time an application is pending under section 400.00 of this article.

2. Persons carrying a firearm under the provisions of this section shall be required to: (a) carry the out-of-state permit together with valid identification whenever the person is carrying the pistol or firearm and (b) disclose to any law enforcement officer that the person holds a valid permit and is carrying a pistol or firearm when approached or addressed by the officer, and shall display both the permit and the proper identification upon the request of a law enforcement officer.

§ 4. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that section two of this act shall take effect on the same date and in the same manner as chapter 371 of the laws of 2022, takes effect.