STATE OF NEW YORK

2882

2023-2024 Regular Sessions

IN ASSEMBLY

January 31, 2023

Introduced by M. of A. DINOWITZ, TAPIA, WEPRIN, KELLES, FORREST -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to warnings to be posted and provided by firearms dealers

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 20 to read as follows:

20. Firearms dealers; required warnings. (a) (i) Every person licensed as a gunsmith or a dealer in firearms shall post the following notice at the site where such weapons or firearms are sold, displayed or delivered to the purchaser, at the entrance to the site and in at least one additional area where sales occur, conspicuously stating, in no smaller than twenty-six-point type on a sign at least eight and one-half by eleven inches in bold print:

WARNING

ACCESS TO A WEAPON OR FIREARM IN THE HOME SIGNIFICANTLY INCREASES THE RISK OF SUICIDE, DEATH DURING DOMESTIC DISPUTES, AND/OR UNINTENTIONAL DEATHS TO CHILDREN, HOUSEHOLD MEMBERS AND OTHERS.

IF YOU OR A LOVED ONE IS EXPERIENCING DISTRESS AND/OR DEPRESSION, CALL THE NATIONAL SUICIDE PREVENTION LIFELINE AT 988.

(ii) Every firearms dealer shall distribute a notice to the purchaser at the time of each individual sale of a weapon or firearm, conspicuously stating, in no smaller than twenty-six-point type and on paper at least eight and one-half by eleven inches in bold print the following warning:

WARNING

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

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(iii) Upon the issuance of or amendment to a firearm or weapon license and/or permit, the licensing officer shall provide the licensee/permittee a written copy of a warning notice conspicuously stating in no smaller than twenty-six-point type and on paper at least eight and one-half by eleven inches in bold print the following warning:

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(b) No licensing officer, local government, or any employee thereof shall be liable to any person by reason of any injury or damage resulting from the failure of any gunsmith or firearms dealer to comply with this subdivision or in consequence of any act or omission in connection with the implementation or enforcement of this subdivision.

(c) (i) Failure to comply with any provision of this subdivision shall be a violation punishable by imprisonment of not more than fifteen days or by a fine of not more than one thousand dollars, or both. Each day that a violation continues shall be deemed a separate offense.

(ii) The provisions of this subdivision shall be enforced within each municipality by the applicable local police force, including town, city and village police departments which officers are authorized to issue appearance tickets. Appearance tickets shall be served personally.

(d) The provisions of this subdivision shall not supersede any local law or ordinance that imposes stricter disclosure or notice requirements; and notices required by this subdivision shall be in addition to any other notices required by any other federal, state or local law, ordinance, rule or regulation.

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