

STATE OF NEW YORK

3553

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

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

AN ACT to amend the penal law, in relation to permitting security guards and private investigators licensed to possess or carry a firearm to possess and carry such firearm in New York City without obtaining a special permit from the police commissioner of the city of New York

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

1 Section 1. Subdivision 6 of section 400.00 of the penal law, as
2 amended by chapter 212 of the laws of 2022, is amended to read as
3 follows:

4 6. License: validity. Any license issued pursuant to this section
5 shall be valid notwithstanding the provisions of any local law or ordi-
6 nance. No license shall be transferable to any other person or premises.
7 A license to carry or possess a pistol or revolver, or to purchase or
8 take possession of a semiautomatic rifle, not otherwise limited as to
9 place or time of possession, shall be effective throughout the state,
10 except that the same shall not be valid within the city of New York
11 unless a special permit granting validity is issued by the police
12 commissioner of that city. Such license to carry or possess shall be
13 valid within the city of New York in the absence of a permit issued by
14 the police commissioner of that city, provided that (a) the firearms
15 covered by such license have been purchased from a licensed dealer with-
16 in the city of New York and are being transported out of said city
17 forthwith and immediately from said dealer by the licensee in a locked
18 container during a continuous and uninterrupted trip; or provided that
19 (b) the firearms covered by such license are being transported by the
20 licensee in a locked container and the trip through the city of New York
21 is continuous and uninterrupted; or provided that (c) the firearms
22 covered by such license are carried by armored car security guards
23 transporting money or other valuables, in, to, or from motor vehicles

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

LBD08399-01-3

commonly known as armored cars, during the course of their employment; or provided that (d) the licensee is a retired police officer as police officer is defined pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law or a retired federal law enforcement officer, as defined in section 2.15 of the criminal procedure law, who has been issued a license by an authorized licensing officer as defined in subdivision ten of section 265.00 of this chapter; provided, further, however, that if such license was not issued in the city of New York it must be marked "Retired Police Officer" or "Retired Federal Law Enforcement Officer", as the case may be, and, in the case of a retired officer the license shall be deemed to permit only police or federal law enforcement regulations weapons; or provided that (e) the licensee is a peace officer described in subdivision four of section 2.10 of the criminal procedure law and the license, if issued by other than the city of New York, is marked "New York State Tax Department Peace Officer" and in such case the exemption shall apply only to the firearm issued to such licensee by the department of taxation and finance ; or provided that (f) the licensee is a special armed guard duly registered and in good standing with the department of state pursuant to article seven-A of the general business law, or is a private investigator duly licensed and in good standing with the department of state pursuant to article seven of the general business law. A license as gunsmith or dealer in firearms shall not be valid outside the city or county, as the case may be, where issued. Notwithstanding any inconsistent provision of state or local law or rule or regulation, the premises limitation set forth in any license to have and possess a pistol or revolver in the licensee's dwelling or place of business pursuant to paragraph (a) or (b) of subdivision two of this section shall not prevent the transport of such pistol or revolver directly to or from (i) another dwelling or place of business of the licensee where the licensee is authorized to have and possess such pistol or revolver, (ii) an indoor or outdoor shooting range that is authorized by law to operate as such, (iii) a shooting competition at which the licensee may possess such pistol or revolver consistent with the provisions of subdivision a of section 265.20 of this chapter or consistent with the law applicable at the place of such competition, or (iv) any other location where the licensee is lawfully authorized to have and possess such pistol or revolver; provided however, that during such transport to or from a location specified in clauses (i) through (iv) of this paragraph, the pistol or revolver shall be unloaded and carried in a locked container, and the ammunition therefor shall be carried separately; provided further, however, that a license to have and possess a pistol or revolver in the licensee's dwelling or place of business pursuant to paragraph (a) or (b) of subdivision two of this section that is issued by a licensing officer other than the police commissioner of the city of New York shall not authorize transport of a pistol or revolver into the city of New York in the absence of written authorization to do so by the police commissioner of that city. The term "locked container" shall not include the glove compartment or console of a vehicle.

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