

STATE OF NEW YORK

4816

2023-2024 Regular Sessions

IN ASSEMBLY

February 23, 2023

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

AN ACT to amend the criminal procedure law, the family court act, the domestic relations law, the general business law, the judiciary law, the mental hygiene law, the penal law and the surrogate's court procedure act, in relation to limiting the application of certain provisions of law relating to firearms to the counties of Kings, Queens, Richmond, New York and Bronx; and to repeal section 400.02 of the penal law relating to the statewide license and record database

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

Section 1. Subdivision 2-a of section 330.20 of the criminal procedure law, as added by chapter 1 of the laws of 2013, is amended to read as follows:

2-a. Firearm, rifle or shotgun surrender order in certain counties. [~~Upon~~] In the counties of Kings, Queens, Richmond, New York and Bronx, upon entry of a verdict of not responsible by reason of mental disease or defect, or upon the acceptance of a plea of not responsible by reason of mental disease or defect, or upon a finding that the defendant is an incapacitated person pursuant to article seven hundred thirty of this chapter, the court shall revoke the defendant's firearm license, if any, inquire of the defendant as to the existence and location of any firearm, rifle or shotgun owned or possessed by such defendant and direct the surrender of such firearm, rifle or shotgun pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law.

§ 2. Section 380.96 of the criminal procedure law, as added by chapter 1 of the laws of 2013, is amended to read as follows:

§ 380.96 Obligation of sentencing court in certain counties pursuant to article four hundred of the penal law.

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

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1 ~~[Upon]~~ In the counties of Kings, Queens, Richmond, New York and Bronx,
2 upon judgment of conviction of any offense which would require the
3 seizure of firearms, shotguns or rifles from an individual so convicted,
4 and the revocation of any license or registration issued pursuant to
5 article four hundred of the penal law, the judge pronouncing sentence
6 shall demand surrender of any such license or registration and all
7 firearms, shotguns and rifles. The failure to so demand surrender shall
8 not effect the validity of any revocation pursuant to article four
9 hundred of the penal law.

10 § 3. Subdivisions 1, 2 and 3 of section 842-a of the family court act,
11 as amended by chapter 60 of the laws of 2018, the opening paragraphs of
12 subdivisions 1, 2 and 3 as amended by chapter 577 of the laws of 2022,
13 paragraphs (a) and (b) of subdivision 1 as amended by section 8 of part
14 M, paragraphs (a) and (b) of subdivision 2 as amended by section 9 of
15 part M, and paragraphs (a) and (b) of subdivision 3 as amended by
16 section 10 of part M of chapter 55 of the laws of 2020, paragraph (c) of
17 subdivision 1, paragraph (c) of subdivision 2 and paragraph (c) of subdi-
18 vision 3, as amended by chapter 576 of the laws of 2022, are amended to
19 read as follows:

20 1. ~~[Suspension]~~ Mandatory and permissive suspension of firearms
21 license and ineligibility for such a license upon the issuance of a
22 temporary order of protection. Whenever a temporary order of protection
23 is issued pursuant to section eight hundred twenty-eight of this arti-
24 cle, or in the counties of Kings, Queens, Richmond, New York and Bronx,
25 pursuant to article four, five, six, seven or ten of this act the court
26 shall inquire of the respondent and, outside of the presence of the
27 respondent, the petitioner or, if the petitioner is not the protected
28 party, any party protected by such order, if the court has reason to
29 believe that such petitioner or protected party would have actual know-
30 ledge or reason to know such information, as to the existence and
31 location of any firearm, rifle or shotgun owned or possessed by the
32 respondent and:

33 (a) the court shall suspend any such existing license possessed by the
34 respondent, order the respondent ineligible for such a license, and
35 order the immediate surrender ~~[pursuant to subparagraph (f) of paragraph~~
36 ~~one of subdivision a of section 265.20 and subdivision six of section~~
37 ~~400.05 of the penal law,~~ of any or all firearms, rifles and shotguns
38 owned or possessed where the court receives information that gives the
39 court good cause to believe that: (i) the respondent has a prior
40 conviction of any violent felony offense as defined in section 70.02 of
41 the penal law; (ii) the respondent has previously been found to have
42 willfully failed to obey a prior order of protection and such willful
43 failure involved (A) the infliction of physical injury, as defined in
44 subdivision nine of section 10.00 of the penal law, (B) the use or
45 threatened use of a deadly weapon or dangerous instrument as those terms
46 are defined in subdivisions twelve and thirteen of section 10.00 of the
47 penal law, or (C) behavior constituting any violent felony offense as
48 defined in section 70.02 of the penal law; or (iii) the respondent has a
49 prior conviction for stalking in the first degree as defined in section
50 120.60 of the penal law, stalking in the second degree as defined in
51 section 120.55 of the penal law, stalking in the third degree as defined
52 in section 120.50 of the penal law or stalking in the fourth degree as
53 defined in section 120.45 of such law;

54 (b) the court may and, in the counties of Kings, Queens, Richmond, New
55 York and Bronx, shall where the court finds a substantial risk that the
56 respondent may use or threaten to use a firearm, rifle or shotgun unlaw-

1 fully against the person or persons for whose protection the temporary
2 order of protection is issued, suspend any such existing license
3 possessed by the respondent, order the respondent ineligible for such a
4 license, and order the immediate surrender [~~pursuant to subparagraph (f)
5 of paragraph one of subdivision a of section 265.20 and subdivision six
6 of section 400.05 of the penal law,~~] of any or all firearms, rifles and
7 shotguns owned or possessed; and

8 (c) the court shall where the defendant willfully refuses to surrender
9 such firearm, rifle or shotgun pursuant to paragraphs (a) and (b) of
10 this subdivision, or may for other good cause shown, order the immediate
11 seizure of such firearm, rifle or shotgun, and search therefor, pursuant
12 to an order issued in accordance with article six hundred ninety of the
13 criminal procedure law, consistent with such rights as the defendant may
14 derive from this article or the constitution of this state or the United
15 States.

16 2. [~~Revocation~~] Mandatory and permissive revocation or suspension of
17 firearms license and ineligibility for such a license upon the issuance
18 of an order of protection. Whenever an order of protection is issued
19 pursuant to section eight hundred forty-one of this part, in the county
20 of Kings, Queens, Richmond, New York or Bronx, or pursuant to article
21 four, five, six, seven or ten of this act the court shall inquire of the
22 respondent and, outside of the presence of the respondent, the petition-
23 er or, if the petitioner is not the protected party, any party protected
24 by such order, if the court has reason to believe that such petitioner
25 or protected party would have actual knowledge or reason to know such
26 information, as to the existence and location of any firearm, rifle or
27 shotgun owned or possessed by the respondent and:

28 (a) the court shall revoke any such existing license possessed by the
29 respondent, order the respondent ineligible for such a license, and
30 order the immediate surrender [~~pursuant to subparagraph (f) of paragraph
31 one of subdivision a of section 265.20 and subdivision six of section
32 400.05 of the penal law,~~] of any or all firearms, rifles and shotguns
33 owned or possessed where the court finds that the conduct which resulted
34 in the issuance of the order of protection involved (i) the infliction
35 of serious physical injury, as defined in subdivision [~~nine~~] ten of
36 section 10.00 of the penal law, (ii) the use or threatened use of a
37 deadly weapon or dangerous instrument as those terms are defined in
38 subdivisions twelve and thirteen of section 10.00 of the penal law, or
39 (iii) behavior constituting any violent felony offense as defined in
40 section 70.02 of the penal law;

41 (b) the court may and, in the counties of Kings, Queens, Richmond, New
42 York and Bronx, shall, where the court finds a substantial risk that the
43 respondent may use or threaten to use a firearm, rifle or shotgun unlaw-
44 fully against the person or persons for whose protection the order of
45 protection is issued, (i) revoke any such existing license possessed by
46 the respondent, order the respondent ineligible for such a license and
47 order the immediate surrender [~~pursuant to subparagraph (f) of paragraph
48 one of subdivision a of section 265.20 and subdivision six of section
49 400.05 of the penal law,~~] of any or all firearms, rifles and shotguns
50 owned or possessed or (ii) suspend or continue to suspend any such
51 existing license possessed by the respondent, order the respondent inel-
52 ible for such a license, and order the immediate surrender pursuant to
53 subparagraph (f) of paragraph one of subdivision a of section 265.20 and
54 subdivision six of section 400.05 of the penal law, of any or all
55 firearms, rifles and shotguns owned or possessed; and

(c) the court shall where the defendant willfully refuses to surrender such firearm, rifle or shotgun pursuant to paragraphs (a) and (b) of this subdivision, or may for other good cause shown, order the immediate seizure of such firearm, rifle or shotgun, and search therefor, pursuant to an order issued in accordance with article six hundred ninety of the criminal procedure law, consistent with such rights as the defendant may derive from this article or the constitution of this state or the United States.

3. ~~[Revocation]~~ Mandatory and permissive revocation or suspension of firearms license and ineligibility for such a license upon a finding of a willful failure to obey an order of protection or, in the county of Kings, Queens, Richmond, New York or Bronx, temporary order of protection. Whenever a respondent has been found, pursuant to section eight hundred forty-six-a of this part to have willfully failed to obey an order of protection or temporary order of protection issued pursuant to this act or the domestic relations law, or by this court or by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, in addition to any other remedies available pursuant to section eight hundred forty-six-a of this part the court shall inquire of the respondent and, outside the presence of the respondent, the petitioner or, if the petitioner is not the protected party, any party protected by such order, if the court has reason to believe that such petitioner or protected party would have actual knowledge or reason to know such information, as to the existence and location of any firearm, rifle or shotgun owned or possessed by the respondent and:

(a) the court shall revoke any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender~~[pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law,~~ of any or all firearms, rifles and shotguns owned or possessed where the willful failure to obey such order involves (i) the infliction of serious physical injury, as defined in subdivision ~~[nine]~~ ten of section 10.00 of the penal law, (ii) the use or threatened use of a deadly weapon or dangerous instrument as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law, or (iii) behavior constituting any violent felony offense as defined in section 70.02 of the penal law; or (iv) behavior constituting stalking in the first degree as defined in section 120.60 of the penal law, stalking in the second degree as defined in section 120.55 of the penal law, stalking in the third degree as defined in section 120.50 of the penal law or stalking in the fourth degree as defined in section 120.45 of such law;

(b) the court may and, in the counties of Kings, Queens, Richmond, New York and Bronx, shall where the court finds a substantial risk that the respondent may use or threaten to use a firearm, rifle or shotgun unlawfully against the person or persons for whose protection the order of protection was issued, (i) revoke any such existing license possessed by the respondent, order the respondent ineligible for such a license, whether or not the respondent possesses such a license, and order the immediate surrender ~~[pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law,~~ of any or all firearms, rifles and shotguns owned or possessed or (ii) suspend any such existing license possessed by the respondent, order the respondent ineligible for such a license, and order the immediate surrender of any or all firearms, rifles and shotguns owned or possessed; and

(c) the court shall where the defendant willfully refuses to surrender such firearm, rifle or shotgun pursuant to paragraphs (a) and (b) of this subdivision, or may for other good cause shown, order the immediate seizure of such firearm, rifle or shotgun, and search therefor, pursuant to an order issued in accordance with article six hundred ninety of the criminal procedure law, consistent with such rights as the defendant may derive from this article or the constitution of this state or the United States.

§ 4. Section 846-a of the family court act, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

§ 846-a. Powers on failure to obey order. If a respondent is brought before the court for failure to obey any lawful order issued under this article or an order of protection or, in the county of Kings, Queens, Richmond, New York or Bronx, temporary order of protection issued ~~[pursuant to this act or issued]~~ by a court of competent jurisdiction of another state, territorial or tribal jurisdiction and if, after hearing, the court is satisfied by competent proof that the respondent has willfully failed to obey any such order, the court may modify an existing order or, in the county of Kings, Queens, Richmond, New York or Bronx, temporary order of protection to add reasonable conditions of behavior to the existing order, make a new order of protection in accordance with section eight hundred forty-two of this part, may order the forfeiture of bail in a manner consistent with article five hundred forty of the criminal procedure law if bail has been ordered pursuant to this act, may order the respondent to pay the petitioner's reasonable and necessary counsel fees in connection with the violation petition where the court finds that the violation of its order was willful, and may commit the respondent to jail for a term not to exceed six months. Such commitment may be served upon certain specified days or parts of days as the court may direct, and the court may, at any time within the term of such sentence, revoke such suspension and commit the respondent for the remainder of the original sentence, or suspend the remainder of such sentence. If the court determines that the willful failure to obey such order involves violent behavior constituting the crimes of menacing, reckless endangerment, assault or attempted assault and if such a respondent is licensed to carry, possess, repair and dispose of firearms pursuant to section 400.00 of the penal law, the court may also immediately revoke such license and may arrange for the immediate surrender ~~[pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law,~~ and disposal of any firearm such respondent owns or possesses. If the willful failure to obey such order involves the infliction of serious physical injury as defined in subdivision ~~[nine]~~ ten of section 10.00 of the penal law or the use or threatened use of a deadly weapon or dangerous instrument, as those terms are defined in subdivisions twelve and thirteen of section 10.00 of the penal law, such revocation and immediate surrender ~~[pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law six]~~ and disposal of any firearm owned or possessed by respondent shall be mandatory, pursuant to subdivision eleven of section 400.00 of the penal law.

§ 5. Section 446-a of the family court act, as added by chapter 1 of the laws of 2013, is amended to read as follows:

§ 446-a. Firearms; surrender and license suspension, revocation and ineligibility; certain counties. ~~[Upon]~~ In the counties of Kings, Queens, Richmond, New York and Bronx, upon the issuance of an order of

1 protection or temporary order of protection, or upon a violation of such
2 order, the court shall make a determination regarding the suspension and
3 revocation of a license to carry, possess, repair or dispose of a
4 firearm or firearms, ineligibility for such a license and the surrender
5 of firearms in accordance with section eight hundred forty-two-a of this
6 act.

7 § 6. Section 552 of the family court act, as added by chapter 1 of the
8 laws of 2013, is amended to read as follows:

9 § 552. Firearms; surrender and license suspension, revocation and
10 ineligibility; certain counties. [~~Upon~~] In the counties of Kings,
11 Queens, Richmond, New York and Bronx, upon the issuance of an order of
12 protection or temporary order of protection, or upon a violation of such
13 order, the court shall make a determination regarding the suspension and
14 revocation of a license to carry, possess, repair or dispose of a
15 firearm or firearms, ineligibility for such a license and the surrender
16 of firearms in accordance with section eight hundred forty-two-a of this
17 act.

18 § 7. Section 656-a of the family court act, as added by chapter 1 of
19 the laws of 2013, is amended to read as follows:

20 § 656-a. Firearms; surrender and license suspension, revocation and
21 ineligibility; certain counties. [~~Upon~~] In the counties of Kings,
22 Queens, Richmond, New York and Bronx, upon the issuance of an order of
23 protection or temporary order of protection, or upon a violation of such
24 order, the court shall make a determination regarding the suspension and
25 revocation of a license to carry, possess, repair or dispose of a
26 firearm or firearms, ineligibility for such a license and the surrender
27 of firearms in accordance with section eight hundred forty-two-a of this
28 act.

29 § 8. Section 780-a of the family court act, as added by chapter 1 of
30 the laws of 2013, is amended to read as follows:

31 § 780-a. Firearms; surrender and license suspension, revocation and
32 ineligibility; certain counties. [~~Upon~~] In the counties of Kings,
33 Queens, Richmond, New York and Bronx, upon the issuance of an order of
34 protection or temporary order of protection, or upon a violation of such
35 order, the court shall make a determination regarding the suspension and
36 revocation of a license to carry, possess, repair or dispose of a
37 firearm or firearms, ineligibility for such a license and the surrender
38 of firearms in accordance with section eight hundred forty-two-a of this
39 act.

40 § 9. Section 1056-a of the family court act, as added by chapter 1 of
41 the laws of 2013, is amended to read as follows:

42 § 1056-a. Firearms; surrender and license suspension, revocation and
43 ineligibility; certain counties. [~~Upon~~] In the counties of Kings,
44 Queens, Richmond, New York and Bronx, upon the issuance of an order of
45 protection or temporary order of protection, or upon a violation of such
46 order, the court shall make an order in accordance with section eight
47 hundred forty-two-a of this act.

48 § 10. Paragraph h of subdivision 3 of section 240 of the domestic
49 relations law, as amended by chapter 1 of the laws of 2013, is amended
50 to read as follows:

51 h. Upon issuance of an order of protection or temporary order of
52 protection or upon a violation of such order, the court may and, in the
53 counties of Kings, Queens, Richmond, New York and Bronx, shall make a
54 determination regarding the suspension and revocation of a license to
55 carry, possess, repair or dispose of a firearm or firearms, ineligibil-
56 ity for such a license and the surrender of firearms in accordance with

sections eight hundred forty-two-a and eight hundred forty-six-a of the family court act, as applicable. Upon issuance of an order of protection pursuant to this section or upon a finding of a violation thereof, the court also may direct payment of restitution in an amount not to exceed ten thousand dollars in accordance with subdivision (e) of section eight hundred forty-one of such act; provided, however, that in no case shall an order of restitution be issued where the court determines that the party against whom the order would be issued has already compensated the injured party or where such compensation is incorporated in a final judgment or settlement of the action.

§ 11. Subdivision 9 of section 252 of the domestic relations law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

9. Upon issuance of an order of protection or temporary order of protection or upon a violation of such order, the court may and, in the counties of Kings, Queens, Richmond, New York and Bronx, shall make a determination regarding the suspension and revocation of a license to carry, possess, repair or dispose of a firearm or firearms, ineligibility for such a license and the surrender of firearms in accordance with sections eight hundred forty-two-a and eight hundred forty-six-a of the family court act, as applicable. Upon issuance of an order of protection pursuant to this section or upon a finding of a violation thereof, the court also may direct payment of restitution in an amount not to exceed ten thousand dollars in accordance with subdivision (e) of section eight hundred forty-one of such act; provided, however, that in no case shall an order of restitution be issued where the court determines that the party against whom the order would be issued has already compensated the injured party or where such compensation is incorporated in a final judgment or settlement of the action.

§ 12. The opening paragraph and paragraph (b) of subdivision 1 of section 530.14 of the criminal procedure law, the opening paragraph as amended by chapter 577 of the laws of 2022 and paragraph (b) as amended by section 3 of part M of chapter 55 of the laws of 2020, are amended to read as follows:

~~[Suspension]~~ Mandatory and permissive suspension of firearms license and ineligibility for such a license upon issuance of temporary order of protection. Whenever a temporary order of protection is issued pursuant to subdivision one of section 530.12 or subdivision one of section 530.13 of this article the court shall inquire of the defendant and the prosecutor as to the existence and location of any firearm, rifle or shotgun reasonably believed to be owned or possessed by the defendant, and the prosecutor will make reasonable efforts to obtain such information regarding the same and present it to the court and:

(b) the court may and, in the counties of Kings, Queens, Richmond, New York and Bronx, shall where the court finds a substantial risk that the defendant may use or threaten to use a firearm, rifle or shotgun unlawfully against the person or persons for whose protection the temporary order of protection is issued, suspend any such existing license possessed by the defendant, order the defendant ineligible for such a license and order the immediate surrender ~~[pursuant to subparagraph (f) of paragraph one of subdivision a of section 265.20 and subdivision six of section 400.05 of the penal law,~~ of any or all firearms, rifles and shotguns owned or possessed; and

§ 13. The opening paragraph and paragraph (b) of subdivision 2 of section 530.14 of the criminal procedure law, the opening paragraph as amended by chapter 577 of the laws of 2022 and paragraph (b) as amended

1 by section 4 of part M of chapter 55 of the laws of 2020, are amended to
2 read as follows:

3 ~~[Revocation]~~ Mandatory and permissive revocation or suspension of
4 firearms license and ineligibility for such a license upon issuance of
5 an order of protection. Whenever an order of protection is issued pursu-
6 ant to subdivision five of section 530.12 or subdivision four of section
7 530.13 of this article the court shall inquire of the defendant and the
8 prosecutor as to the existence and location of any firearm, rifle or
9 shotgun reasonably believed to be owned or possessed by the defendant,
10 and the prosecutor will make reasonable efforts to obtain such informa-
11 tion regarding the same and present it to the court and:

12 (b) the court may and, in the counties of Kings, Queens, Richmond, New
13 York and Bronx, shall where the court finds a substantial risk that the
14 defendant may use or threaten to use a firearm, rifle or shotgun unlaw-
15 fully against the person or persons for whose protection the order of
16 protection is issued, (i) revoke any such existing license possessed by
17 the defendant, order the defendant ineligible for such a license and
18 order the immediate surrender of any or all firearms, rifles and shot-
19 guns owned or possessed or (ii) suspend or continue to suspend any such
20 existing license possessed by the defendant, order the defendant ineli-
21 gible for such a license and order the immediate surrender ~~[pursuant to~~
22 ~~subparagraph (f) of paragraph one of subdivision a of section 265.20 and~~
23 ~~subdivision six of section 400.05 of the penal law,~~] of any or all
24 firearms, rifles and shotguns owned or possessed; and

25 § 14. The opening paragraph and paragraph (b) of subdivision 3 of
26 section 530.14 of the criminal procedure law, the opening paragraph as
27 amended by chapter 577 of the laws of 2022 and paragraph (b) as amended
28 by section 5 of part M of chapter 55 of the laws of 2020, are amended to
29 read as follows:

30 ~~[Revocation]~~ Mandatory and permissive revocation or suspension of
31 firearms license and ineligibility for such a license upon a finding of
32 a willful failure to obey an order of protection. Whenever a defendant
33 has been found pursuant to subdivision eleven of section 530.12 or
34 subdivision eight of section 530.13 of this article to have willfully
35 failed to obey an order of protection issued by a court of competent
36 jurisdiction in this state or another state, territorial or tribal
37 jurisdiction, in addition to any other remedies available pursuant to
38 subdivision eleven of section 530.12 or subdivision eight of section
39 530.13 of this article the court shall inquire of the defendant and the
40 prosecutor as to the existence and location of any firearm, rifle or
41 shotgun reasonably believed to be owned or possessed by the defendant,
42 and the prosecutor will make reasonable efforts to obtain such informa-
43 tion regarding the same and present it to the court and:

44 (b) the court may and, in the counties of Kings, Queens, Richmond, New
45 York and Bronx, shall where the court finds a substantial risk that the
46 defendant may use or threaten to use a firearm, rifle or shotgun unlaw-
47 fully against the person or persons for whose protection the order of
48 protection was issued, (i) revoke any such existing license possessed by
49 the defendant, order the defendant ineligible for such a license and
50 order the immediate surrender ~~[pursuant to subparagraph (f) of paragraph~~
51 ~~one of subdivision a of section 265.20 and subdivision six of section~~
52 ~~400.05 of the penal law,~~] of any or all firearms, rifles and shotguns
53 owned or possessed or (ii) suspend any such existing license possessed
54 by the defendant, order the defendant ineligible for such a license and
55 order the immediate surrender ~~[pursuant to subparagraph (f) of paragraph~~
56 ~~one of subdivision a of section 265.20 and subdivision six of section~~

1 ~~400.05 of the penal law,~~ of any or all firearms, rifles and shotguns
2 owned or possessed; and

3 § 15. The article heading of article 39-DDD of the general business
4 law, as added by chapter 1 of the laws of 2013, is amended to read as
5 follows:

6 PRIVATE SALE OR DISPOSAL OF FIREARMS, RIFLES AND SHOTGUNS

7 IN CERTAIN COUNTIES

8 § 16. Subdivision 1 of section 898 of the general business law, as
9 amended by chapter 129 of the laws of 2019, is amended to read as
10 follows:

11 1. In addition to any other requirements pursuant to state and federal
12 law, all sales, exchanges or disposals of firearms, rifles or shotguns,
13 in the counties of Kings, Queens, Richmond, New York and Bronx, shall be
14 conducted in accordance with this section unless such sale, exchange or
15 disposal is conducted by a licensed importer, licensed manufacturer or
16 licensed dealer, as those terms are defined in 18 USC § 922, when such
17 sale, exchange or disposal is conducted pursuant to that person's feder-
18 al firearms license or such sale, exchange or disposal is between
19 members of an immediate family. When a sale, exchange or disposal is
20 conducted pursuant to a person's federal firearms license, before deliv-
21 ering a firearm, rifle or shotgun to any person, either (a) the National
22 Instant Criminal Background Check System (NICS) or its successor has
23 issued a "proceed" response to the federal firearms licensee, or (b)
24 thirty calendar days shall have elapsed since the date the federal
25 firearms licensee contacted NICS to initiate a national instant criminal
26 background check and NICS has not notified the federal firearms licensee
27 that the transfer of the firearm, rifle or shotgun to such person should
28 be denied. For purposes of this section, "immediate family" shall mean
29 spouses, domestic partners, children and step-children.

30 § 17. Paragraph (q) of subdivision 2 of section 212 of the judiciary
31 law, as amended by chapter 1 of the laws of 2013, is amended to read as
32 follows:

33 (q) Adopt rules to require transmission, to the criminal justice
34 information services division of the federal bureau of investigation or
35 to the division of criminal justice services, of the name and other
36 identifying information of each person who has a guardian appointed for
37 him or her pursuant to any provision of state law, based on a determi-
38 nation that as a result of marked subnormal intelligence, mental
39 illness, incapacity, condition or disease, he or she lacks the mental
40 capacity to contract or manage his or her own affairs. Any such records,
41 relating to persons residing in the county of Kings, Queens, Richmond,
42 New York or Bronx, transmitted directly to the federal bureau of inves-
43 tigation must also be transmitted to the division of criminal justice
44 services~~[, and any records received by the division of criminal justice~~
45 ~~services pursuant to this paragraph may be checked against the statewide~~
46 ~~license and record database].~~

47 § 18. Subdivision (j) of section 7.09 of the mental hygiene law, as
48 amended by chapter 1 of the laws of 2013, is amended to read as follows:

49 (j) (1) The commissioner, in cooperation with other applicable state
50 agencies, shall collect, retain or modify data or records, and shall
51 transmit such data or records: (i) to the division of criminal justice
52 services, or to the criminal justice information services division of
53 the federal bureau of investigation, for the purposes of responding to
54 queries to the national instant criminal background check system regard-
55 ing attempts to purchase or otherwise take possession of firearms, as
56 defined in 18 USC 921(a)(3), in accordance with applicable federal laws

1 or regulations, or (ii) for persons residing in the county of Kings,
2 Queens, Richmond, New York or Bronx, to the division of criminal justice
3 services, which may re-disclose such data and records only for determin-
4 ing whether a license issued pursuant to section 400.00 of the penal law
5 should be denied, suspended or revoked, under subdivision eleven of such
6 section, or for determining whether a person is no longer permitted
7 under federal or state law to possess a firearm. Such records, which may
8 not be used for any other purpose, shall include only names and other
9 non-clinical identifying information of persons who have been involun-
10 tarily committed to a hospital pursuant to article nine of this chapter,
11 ~~[or section four hundred two or subdivision two of section five hundred~~
12 ~~eight of the correction law,~~ or article seven hundred thirty or section
13 330.20 of the criminal procedure law or sections 322.2 or 353.4 of the
14 family court act, or to a secure treatment facility pursuant to article
15 ten of this chapter.

16 (2) The commissioner shall establish within the office of mental
17 health an administrative process to permit a person who has been or may
18 be disqualified from possessing such a firearm pursuant to 18 USC
19 922(4)(d) or who has been or may be disqualified from continuing to have
20 a license to carry, possess, repair, or dispose of a firearm under
21 section 400.00 of the penal law because such person, who resides in the
22 county of Kings, Queens, Richmond, New York or Bronx, was involuntarily
23 committed or civilly confined to a facility under the jurisdiction of
24 the commissioner, to petition for relief from that disability where such
25 person's record and reputation are such that such person will not be
26 likely to act in a manner dangerous to public safety and where the
27 granting of the relief would not be contrary to public safety. The
28 commissioner shall promulgate regulations to establish the relief from
29 disabilities program, which shall include, but not be limited to,
30 provisions providing for: (i) an opportunity for a disqualified person
31 to petition for relief in writing; (ii) the authority for the agency to
32 require that the petitioner undergo a clinical evaluation and risk
33 assessment; and (iii) a requirement that the agency issue a decision in
34 writing explaining the reasons for a denial or grant of relief. The
35 denial of a petition for relief from disabilities may be reviewed de
36 novo pursuant to the proceedings under article seventy-eight of the
37 civil practice law and rules.

38 § 19. Subdivision (b) of section 9.46 of the mental hygiene law, as
39 added by chapter 1 of the laws of 2013, is amended to read as follows:

40 (b) Notwithstanding any other law to the contrary, when a mental
41 health professional currently providing treatment services to a person,
42 who resides in the county of Kings, Queens, Richmond, New York or Bronx,
43 determines, in the exercise of reasonable professional judgment, that
44 such person is likely to engage in conduct that would result in serious
45 harm to self or others, he or she shall be required to report, as soon
46 as practicable, to the director of community services, or the director's
47 designee, who shall report to the division of criminal justice services
48 whenever he or she agrees that the person is likely to engage in such
49 conduct. Information transmitted to the division of criminal justice
50 services shall be limited to names and other non-clinical identifying
51 information, which may only be used for determining whether a license
52 issued pursuant to section 400.00 of the penal law should be suspended
53 or revoked, or for determining whether a person is ineligible for a
54 license issued pursuant to section 400.00 of the penal law, or is no
55 longer permitted under state or federal law to possess a firearm.

§ 20. Subdivision 22 of section 265.00 of the penal law, as amended by chapter 1 of the laws of 2013, paragraph (h) as amended by chapter 209 of the laws of 2022, is amended to read as follows:

22. "Assault weapon" means

(a) (i) except as otherwise provided in paragraph (b) of this subdivision, a semiautomatic rifle that has an ability to accept a detachable magazine and has at least two of the following characteristics:

(A) a folding or telescoping stock;

(B) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(C) a bayonet mount;

(D) a flash suppressor or threaded barrel designed to accommodate a flash suppressor;

(E) a grenade launcher; or

(ii) a semiautomatic shotgun that has at least two of the following characteristics:

(A) a folding or telescoping stock;

(B) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(C) a fixed magazine capacity in excess of five rounds;

(D) an ability to accept a detachable magazine; or

(iii) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least two of the following characteristics:

(A) an ammunition magazine that attaches to the pistol outside of the pistol grip;

(B) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;

(C) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;

(D) a manufactured weight of fifty ounces or more when the pistol is unloaded;

(E) a semiautomatic version of an automatic rifle, shotgun or firearm; or

(iv) any of the weapons, or functioning frames or receivers of such weapons, or copies or duplicates of such weapons, in any caliber, known as:

(A) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models);

(B) Action Arms Israeli Military Industries UZI and Galil;

(C) Beretta Ar70 (SC-70);

(D) Colt AR-15;

(E) Fabrique National FN/FAL, FN/LAR, and FNC;

(F) SWD M-10, M-11, M-11/9, and M-12;

(G) Steyr AUG;

(H) INTRATEC TEC-9, TEC-DC9 and TEC-22; and

(I) revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12;

(v) provided, however, that such term does not include: (A) any rifle, shotgun or pistol that (I) is manually operated by bolt, pump, lever or slide action; (II) has been rendered permanently inoperable; or (III) is an antique firearm as defined in 18 U.S.C. 921(a)(16);

(B) a semiautomatic rifle that cannot accept a detachable magazine that holds more than five rounds of ammunition;

(C) a semiautomatic shotgun that cannot hold more than five rounds of ammunition in a fixed or detachable magazine;

(D) a rifle, shotgun or pistol, or a replica or a duplicate thereof, specified in Appendix A to section 922 of 18 U.S.C. as such weapon was manufactured on October first, nineteen hundred ninety-three. The mere fact that a weapon is not listed in Appendix A shall not be construed to mean that such weapon is an assault weapon; or

(E) a semiautomatic rifle, a semiautomatic shotgun or a semiautomatic pistol or any of the weapons defined in subparagraph (iv) of paragraph (b) of this subdivision lawfully possessed prior to September fourteenth, nineteen hundred ninety-four; and

(b) (i) in the counties of Kings, Queens, Richmond, New York and Bronx, a semiautomatic rifle that has an ability to accept a detachable magazine and has at least one of the following characteristics:

~~[(i)]~~ (A) a folding or telescoping stock;

~~[(ii)]~~ (B) a pistol grip that protrudes conspicuously beneath the action of the weapon;

~~[(iii)]~~ (C) a thumbhole stock;

~~[(iv)]~~ (D) a second handgrip or a protruding grip that can be held by the non-trigger hand;

~~[(v)]~~ (E) a bayonet mount;

~~[(vi)]~~ (F) a flash suppressor, muzzle break, muzzle compensator, or threaded barrel designed to accommodate a flash suppressor, muzzle break, or muzzle compensator;

~~[(vii)]~~ (G) a grenade launcher; or

~~[(b)]~~ (ii) a semiautomatic shotgun that has at least one of the following characteristics:

~~[(i)]~~ (A) a folding or telescoping stock;

~~[(ii)]~~ (B) a thumbhole stock;

~~[(iii)]~~ (C) a second handgrip or a protruding grip that can be held by the non-trigger hand;

~~[(iv)]~~ (D) a fixed magazine capacity in excess of seven rounds;

~~[(v)]~~ (E) an ability to accept a detachable magazine; or

~~[(e)]~~ (iii) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least one of the following characteristics:

~~[(i)]~~ (A) a folding or telescoping stock;

~~[(ii)]~~ (B) a thumbhole stock;

~~[(iii)]~~ (C) a second handgrip or a protruding grip that can be held by the non-trigger hand;

~~[(iv)]~~ (D) capacity to accept an ammunition magazine that attaches to the pistol outside of the pistol grip;

~~[(v)]~~ (E) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;

~~[(vi)]~~ (F) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned;

~~[(vii)]~~ (G) a manufactured weight of fifty ounces or more when the pistol is unloaded; or

~~[(viii)]~~ (H) a semiautomatic version of an automatic rifle, shotgun or firearm;

~~[(d)]~~ (iv) a revolving cylinder shotgun;

~~[(e)]~~ (v) a semiautomatic rifle, a semiautomatic shotgun or a semiautomatic pistol or weapon defined in former subparagraph (v) of paragraph (e) of subdivision twenty-two of section 265.00 of this chapter as added by chapter one hundred eighty-nine of the laws of two thousand and otherwise lawfully possessed pursuant to such chapter of the laws of two thousand prior to September fourteenth, nineteen hundred ninety-four;

1 ~~[(f)]~~ (vi) a semiautomatic rifle, a semiautomatic shotgun or a semiau-
2 tomatic pistol or weapon defined in this paragraph or paragraph (a)[~~r~~
3 ~~(b) or (c)~~] of this subdivision, possessed prior to the date of enact-
4 ment of ~~the~~ chapter one of the laws of two thousand thirteen which
5 added this paragraph;

6 ~~[(g)]~~ (vii) provided, however, that such term does not include:

7 ~~[(i)]~~ (A) any rifle, shotgun or pistol that ~~[(A)]~~ (I) is manually
8 operated by bolt, pump, lever or slide action; ~~[(B)]~~ (II) has been
9 rendered permanently inoperable; or ~~[(C)]~~ (III) is an antique firearm as
10 defined in 18 U.S.C. 921(a)(16);

11 ~~[(ii)]~~ (B) a semiautomatic rifle that cannot accept a detachable maga-
12 zine that holds more than five rounds of ammunition;

13 ~~[(iii)]~~ (C) a semiautomatic shotgun that cannot hold more than five
14 rounds of ammunition in a fixed or detachable magazine; or

15 ~~[(iv)]~~ (D) a rifle, shotgun or pistol, or a replica or a duplicate
16 thereof, specified in Appendix A to 18 U.S.C. 922 as such weapon was
17 manufactured on October first, nineteen hundred ninety-three. The mere
18 fact that a weapon is not listed in Appendix A shall not be construed to
19 mean that such weapon is an assault weapon;

20 ~~[(v)]~~ (E) any weapon validly registered pursuant to subdivision
21 sixteen-a of section 400.00 of this chapter. Such weapons shall be
22 subject to the provisions of ~~[paragraph (h)]~~ subparagraph (viii) of this
23 ~~subdivision~~ paragraph;

24 ~~[(vi)]~~ (F) any firearm, rifle, or shotgun that was manufactured at
25 least fifty years prior to the current date, but not including replicas
26 thereof that is validly registered pursuant to subdivision sixteen-a of
27 section 400.00 of this chapter;

28 ~~[(h)]~~ (viii) Any weapon defined in ~~[paragraph (e) or (f) of this~~
29 ~~subdivision]~~ subparagraph (v) or (vi) of this paragraph may only be sold
30 to, exchanged with or disposed of to a purchaser authorized to possess
31 such weapons or to an individual or entity outside of the state provided
32 that any such transfer to an individual or entity outside of the state
33 must be reported to the entity wherein the weapon is registered within
34 seventy-two hours of such transfer. An individual who transfers any such
35 weapon to an individual inside New York state or without complying with
36 the provisions of this paragraph shall be guilty of a class A misdemea-
37 nor.

38 § 21. Subdivision 23 of section 265.00 of the penal law, as amended by
39 chapter 209 of the laws of 2022, is amended to read as follows:

40 23. "Large capacity ammunition feeding device" means a magazine, belt,
41 drum, feed strip, or similar device, that has a capacity of, or that can
42 be readily restored or converted to accept, more than ten rounds of
43 ammunition; provided, however, that such term does not include an
44 attached tubular device designed to accept, and capable of operating
45 only with, .22 caliber rimfire ammunition ~~[or a feeding device that is a~~
46 ~~curio or relic. A feeding device that is a curio or relic is defined as~~
47 ~~a device that (i) was manufactured at least fifty years prior to the~~
48 ~~current date, (ii) is only capable of being used exclusively in a~~
49 ~~firearm, rifle, or shotgun that was manufactured at least fifty years~~
50 ~~prior to the current date, but not including replicas thereof, (iii) is~~
51 ~~possessed by an individual who is not prohibited by state or federal law~~
52 ~~from possessing a firearm and (iv) is registered with the division of~~
53 ~~state police pursuant to subdivision sixteen-a of section 400.00 of this~~
54 ~~chapter, except such feeding devices transferred into the state may be~~
55 ~~registered at any time, provided they are registered within thirty days~~
56 ~~of their transfer into the state. Notwithstanding paragraph (h) of~~

~~subdivision twenty-two of this section, such feeding devices may be transferred provided that such transfer shall be subject to the provisions of section 400.03 of this chapter including the check required to be conducted pursuant to such section].~~

§ 22. Subdivision 24 of section 265.00 of the penal law, as added by chapter 1 of the laws of 2013, is amended to read as follows:

24. "Seller of ammunition" means any person, firm, partnership, corporation or company who engages in the business of purchasing, selling or keeping ammunition in the county of Kings, Queens, Richmond, New York or Bronx.

§ 23. The opening paragraph of section 265.01-b of the penal law, as added by chapter 1 of the laws of 2013, is amended to read as follows:

A person is guilty of criminal possession of a firearm when he or she, being a resident of the county of Kings, Queens, Richmond, New York or Bronx: (1) possesses any firearm or; (2) lawfully possesses a firearm prior to the effective date of ~~[the]~~ chapter one of the laws of two thousand thirteen which added this section subject to the registration requirements of subdivision sixteen-a of section 400.00 of this chapter and knowingly fails to register such firearm pursuant to such subdivision.

§ 24. Paragraphs 3 and 7-f of subdivision a of section 265.20 of the penal law, paragraph 3 as amended and paragraph 7-f as added by chapter 1 of the laws of 2013, are amended to read as follows:

3. Possession of a pistol or revolver by a person to whom a license therefor has been issued as provided under section 400.00 or 400.01 of this chapter or possession, in the county of Kings, Queens, Richmond, New York or Bronx, of a weapon as defined in subparagraph (v) or (vi) of paragraph ~~[(e) or (f)]~~ (b) of subdivision twenty-two of section 265.00 of this article which is registered pursuant to paragraph (a) of subdivision sixteen-a of section 400.00 of this chapter or is included on an amended license issued pursuant to section 400.00 of this chapter. In the event such license is revoked, other than because such licensee is no longer permitted to possess a firearm, rifle or shotgun under federal or state law, information sufficient to satisfy the requirements of subdivision sixteen-a of section 400.00 of this chapter, shall be transmitted by the licensing officer to the division of state police, in a form as determined by the superintendent of state police. Such transmission shall constitute a valid registration under such section. Further provided, notwithstanding any other section of this title, a failure to register such weapon by an individual, in the county of Kings, Queens, Richmond, New York or Bronx, who possesses such weapon before the enactment of ~~[the]~~ chapter one of the laws of two thousand thirteen which amended this paragraph and may so lawfully possess it thereafter upon registration, shall only be subject to punishment pursuant to paragraph (c) of subdivision sixteen-a of section 400.00 of this chapter; provided, that such a license or registration shall not preclude a conviction for the offense defined in subdivision three of section 265.01 of this article or section 265.01-a of this article.

7-f. Possession and use of a magazine, belt, feed strip or similar device, in the county of Kings, Queens, Richmond, New York or Bronx, that contains more than seven rounds of ammunition, but that does not have a capacity of or can readily be restored or converted to accept more than ten rounds of ammunition, at an indoor or outdoor firing range located in or on premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency in arms; at an indoor or outdoor firing range for the purpose of

1 firing a rifle or shotgun; at a collegiate, olympic or target shooting
2 competition under the auspices of or approved by the national rifle
3 association; or at an organized match sanctioned by the International
4 Handgun Metallic Silhouette Association.

5 § 25. The opening paragraph of section 265.37 of the penal law, as
6 amended by section 2 of part FF of chapter 57 of the laws of 2013, is
7 amended to read as follows:

8 It shall be unlawful for a person to knowingly possess, in the county
9 of Kings, Queens, Richmond, New York or Bronx, an ammunition feeding
10 device where such device contains more than seven rounds of ammunition.

11 § 26. Subdivision 1 of section 265.45 of the penal law, as amended by
12 chapter 371 of the laws of 2022, is amended to read as follows:

13 1. No person, residing in the county of Kings, Queens, Richmond, New
14 York or Bronx, who owns or is custodian of a rifle, shotgun or firearm
15 who resides with an individual who: (i) is under eighteen years of age;
16 (ii) such person knows or has reason to know is prohibited from possess-
17 ing a rifle, shotgun or firearm pursuant to a temporary or final extreme
18 risk protection order issued under article sixty-three-A of the civil
19 practice law and rules or 18 U.S.C. § 922(g) (1), (4), (8) or (9); or
20 (iii) such person knows or has reason to know is prohibited from
21 possessing a rifle, shotgun or firearm based on a conviction for a felo-
22 ny or a serious offense, shall store or otherwise leave such rifle,
23 shotgun or firearm out of his or her immediate possession or control
24 without having first securely locked such rifle, shotgun or firearm in
25 an appropriate safe storage depository or rendered it incapable of being
26 fired by use of a gun locking device appropriate to that weapon.

27 § 27. Subdivision 1 of section 400.00 of the penal law, as separately
28 amended by chapters 371 and 669 of the laws of 2022, is amended to read
29 as follows:

30 1. Eligibility. No license shall be issued or renewed pursuant to this
31 section except by the licensing officer, and then only after investi-
32 gation and finding that all statements in a proper application for a
33 license are true. No license shall be issued or renewed except for an
34 applicant (a) twenty-one years of age or older, provided, however, that
35 where such applicant has been honorably discharged from the United
36 States army, navy, marine corps, air force or coast guard, or the
37 national guard of the state of New York, no such age restriction shall
38 apply; (b) of good moral character, which, for the purposes of this
39 article, shall mean having the essential character, temperament and
40 judgement necessary to be entrusted with a weapon and to use it only in
41 a manner that does not endanger oneself or others; (c) who has not been
42 convicted anywhere of a felony or a serious offense or who is not the
43 subject of an outstanding warrant of arrest issued upon the alleged
44 commission of a felony or serious offense; (d) who is not a fugitive
45 from justice; (e) who is not an unlawful user of or addicted to any
46 controlled substance as defined in section 21 U.S.C. 802; (f) who being
47 a noncitizen (i) is not illegally or unlawfully in the United States or
48 (ii) has not been admitted to the United States under a nonimmigrant
49 visa subject to the exception in 18 U.S.C. 922(y)(2); (g) who has not
50 been discharged from the Armed Forces under dishonorable conditions; (h)
51 who, having been a citizen of the United States, has not renounced his
52 or her citizenship; (i) who has stated whether he or she has ever
53 suffered any mental illness; (j) who, being a resident of the county of
54 Kings, Queens, Richmond, New York or Bronx, has not been involuntarily
55 committed to a facility under the jurisdiction of an office of the
56 department of mental hygiene pursuant to article nine or fifteen of the

1 mental hygiene law, article seven hundred thirty or section 330.20 of
2 the criminal procedure law or substantially similar laws of any other
3 state, section four hundred two or five hundred eight of the correction
4 law, section 322.2 or 353.4 of the family court act, has not been civil-
5 ly confined in a secure treatment facility pursuant to article ten of
6 the mental hygiene law, or has not been the subject of a report made
7 pursuant to section 9.46 of the mental hygiene law; (k) who has not had
8 a license revoked or who is not under a suspension or ineligibility
9 order issued pursuant to the provisions of section 530.14 of the crimi-
10 nal procedure law or section eight hundred forty-two-a of the family
11 court act; (l) in the county of Westchester, who has successfully
12 completed a firearms safety course and test as evidenced by a certif-
13 icate of completion issued in his or her name and endorsed and affirmed
14 under the penalties of perjury by a duly authorized instructor, except
15 that: (i) persons who are honorably discharged from the United States
16 army, navy, marine corps or coast guard, or of the national guard of the
17 state of New York, and produce evidence of official qualification in
18 firearms during the term of service are not required to have completed
19 those hours of a firearms safety course pertaining to the safe use,
20 carrying, possession, maintenance and storage of a firearm; (ii) persons
21 who were licensed to possess a pistol or revolver prior to the effective
22 date of this paragraph are not required to have completed a firearms
23 safety course and test, provided, however, persons with a license issued
24 under paragraph (f) of subdivision two of this section prior to the
25 effective date of the laws of two thousand twenty-two which amended this
26 paragraph shall be required to complete the training required by subdi-
27 vision nineteen of this section prior to the recertification of such
28 license; and (iii) persons applying for a license under paragraph (f) of
29 subdivision two of this section on or after the effective date of the
30 chapter of the laws of two thousand twenty-two which amended this para-
31 graph who shall be required to complete the training required under
32 subdivision nineteen of this section for such license; (m) who, being a
33 resident of the county of Kings, Queens, Richmond, New York or Bronx,
34 has not had a guardian appointed for him or her pursuant to any
35 provision of state law, based on a determination that as a result of
36 marked subnormal intelligence, mental illness, incompetency, incapacity,
37 condition or disease, he or she lacks the mental capacity to contract or
38 manage his or her own affairs; (n) for a license issued under paragraph
39 (f) of subdivision two of this section, that the applicant has not been
40 convicted within five years of the date of the application of any of the
41 following: (i) assault in the third degree, as defined in section 120.00
42 of this chapter; (ii) misdemeanor driving while intoxicated, as defined
43 in section eleven hundred ninety-two of the vehicle and traffic law; or
44 (iii) menacing, as defined in section 120.15 of this chapter; and (o)
45 for a license issued under paragraph (f) of subdivision two of this
46 section, the applicant shall meet in person with the licensing officer
47 for an interview and shall, in addition to any other information or
48 forms required by the license application submit to the licensing offi-
49 cer the following information: (i) names and contact information for the
50 applicant's current spouse, or domestic partner, any other adults resid-
51 ing in the applicant's home, including any adult children of the appli-
52 cant, and whether or not there are minors residing, full time or part
53 time, in the applicant's home; (ii) names and contact information of no
54 less than four character references who can attest to the applicant's
55 good moral character and that such applicant has not engaged in any
56 acts, or made any statements that suggest they are likely to engage in

1 conduct that would result in harm to themselves or others; (iii) certification of completion of the training required in subdivision nineteen
2 of this section; (iv) a list of former and current social media accounts
3 of the applicant from the past three years to confirm the information
4 regarding the applicants character and conduct as required in subparagraph
5 graph (ii) of this paragraph; and (v) such other information required by
6 the licensing officer that is reasonably necessary and related to the
7 review of the licensing application.

8
9 § 28. Subdivisions 4, 5, 10, 11 and 12 of section 400.00 of the penal
10 law, subdivisions 4, 10 and 11 as amended by chapter 371 of the laws of
11 2022, subdivision 5 as amended by chapter 1 of the laws of 2013, subparagraph
12 (iii) of paragraph (e) of subdivision 5 as amended by chapter 244
13 of the laws of 2019, and subdivision 12 as amended by chapter 207 of the
14 laws of 2022, are amended to read as follows:

15 4. Investigation. Before a license is issued or renewed, there shall
16 be an investigation of all statements required in the application by the
17 duly constituted police authorities of the locality where such application
18 is made~~[, including but not limited to such records as may be~~
19 ~~accessible to the division of state police or division of criminal~~
20 ~~justice services pursuant to section 400.02 of this article]~~. For that
21 purpose, the records of the appropriate office of the department of
22 mental hygiene concerning previous or present mental illness of the
23 applicant shall be available for inspection by the investigating officer
24 of the police authority. Where the applicant is domiciled in a foreign
25 state, the investigation shall include inquiry of the foreign state for
26 records concerning the previous or present mental illness of the applicant,
27 and, to the extent necessary for inspection by the investigating
28 officer, the applicant shall execute a waiver of confidentiality of such
29 record in such form as may be required by the foreign state. In order to
30 ascertain any previous criminal record, the investigating officer shall
31 take the fingerprints and physical descriptive data in quadruplicate of
32 each individual by whom the application is signed and verified. Two
33 copies of such fingerprints shall be taken on standard fingerprint cards
34 eight inches square, and one copy may be taken on a card supplied for
35 that purpose by the federal bureau of investigation; provided, however,
36 that in the case of a corporate applicant that has already been issued a
37 dealer in firearms license and seeks to operate a firearm dealership at
38 a second or subsequent location, the original fingerprints on file may
39 be used to ascertain any criminal record in the second or subsequent
40 application unless any of the corporate officers have changed since the
41 prior application, in which case the new corporate officer shall comply
42 with procedures governing an initial application for such license. When
43 completed, one standard card shall be forwarded to and retained by the
44 division of criminal justice services in the executive department, at
45 Albany. A search of the files of such division and written notification
46 of the results of the search shall be forwarded to the investigating
47 officer and shall be made without unnecessary delay. Thereafter, such
48 division shall notify the licensing officer and the executive department,
49 division of state police, Albany, of any criminal record of the
50 applicant filed therein subsequent to the search of its files. A second
51 standard card, or the one supplied by the federal bureau of investigation,
52 as the case may be, shall be forwarded to that bureau at Washington
53 with a request that the files of the bureau be searched and notification
54 of the results of the search be made to the investigating
55 police authority. Of the remaining two fingerprint cards, one shall be
56 filed with the executive department, division of state police, Albany,

1 within ten days after issuance of the license, and the other shall
2 remain on file with the investigating police authority. No such finger-
3 prints may be inspected by any person other than a peace officer, who is
4 acting pursuant to his or her special duties, or a police officer,
5 except on order of a judge or justice of a court of record either upon
6 notice to the licensee or without notice, as the judge or justice may
7 deem appropriate. Upon completion of the investigation, the police
8 authority shall report the results to the licensing officer without
9 unnecessary delay.

10 5. Filing of approved applications. (a) The application for any
11 license, if granted, shall be filed by the licensing officer with the
12 clerk of the county of issuance, except that in the city of New York
13 and, in the counties of Nassau and Suffolk, the licensing officer shall
14 designate the place of filing in the appropriate division, bureau or
15 unit of the police department thereof, and in the county of Suffolk the
16 county clerk is hereby authorized to transfer all records or applica-
17 tions relating to firearms to the licensing authority of that county.
18 Except as provided in paragraphs (b) through ~~[(f)]~~ (e) of this subdivi-
19 sion, the name and address of any person to whom an application for any
20 license has been granted shall be a public record. Upon application by a
21 licensee who has changed his place of residence such records or applica-
22 tions shall be transferred to the appropriate officer at the licensee's
23 new place of residence. A duplicate copy of such application shall be
24 filed by the licensing officer in the executive department, division of
25 state police, Albany, within ten days after issuance of the license. The
26 superintendent of state police may designate that such application shall
27 be transmitted to the division of state police electronically. In the
28 event the superintendent of the division of state police determines that
29 it lacks any of the records required to be filed with the division, it
30 may request that such records be provided to it by the appropriate
31 clerk, department or authority and such clerk, department or authority
32 shall provide the division with such records. In the event such clerk,
33 department or authority lacks such records, the division may request the
34 license holder provide information sufficient to constitute such record
35 and such license holder shall provide the division with such informa-
36 tion. Such information shall be limited to the license holder's name,
37 date of birth, gender, race, residential address, social security number
38 and firearms possessed by said license holder. Nothing in this subdivi-
39 sion shall be construed to change the expiration date or term of such
40 licenses if otherwise provided for in law. ~~[Records assembled or~~
41 ~~collected for purposes of inclusion in the database established by this~~
42 ~~section shall be released pursuant to a court order. Records assembled~~
43 ~~or collected for purposes of inclusion in the database created pursuant~~
44 ~~to section 400.02 of this chapter shall not be subject to disclosure~~
45 ~~pursuant to article six of the public officers law.]~~

46 (b) Each application for a license pursuant to paragraph (a) of this
47 subdivision shall include, on a separate written form prepared by the
48 division of state police within thirty days of the effective date of
49 ~~[the]~~ chapter one of the laws of two thousand thirteen, which amended
50 this section, and provided to the applicant at the same time and in the
51 same manner as the application for a license, an opportunity for the
52 applicant to request an exception from his or her application informa-
53 tion becoming public record pursuant to paragraph (a) of this subdivi-
54 sion. Such forms, which shall also be made available to individuals who
55 had applied for or been granted a license prior to the effective date of
56 ~~[the]~~ chapter one of the laws of two thousand thirteen which amended

1 this section, shall notify applicants that, upon discovery that an
2 applicant knowingly provided false information, such applicant may be
3 subject to penalties pursuant to section 175.30 of this chapter, and
4 further, that his or her request for an exception shall be null and
5 void, provided that written notice containing such determination is
6 provided to the applicant. Further, such forms shall provide each appli-
7 cant an opportunity to specify the grounds on which he or she believes
8 his or her application information should not be publicly disclosed.
9 These grounds, which shall be identified on the application with a box
10 beside each for checking, as applicable, by the applicant, shall be as
11 follows:

12 (i) the applicant's life or safety may be endangered by disclosure
13 because:

14 (A) the applicant is an active or retired police officer, peace offi-
15 cer, probation officer, parole officer, or corrections officer;

16 (B) the applicant is a protected person under a currently valid order
17 of protection;

18 (C) the applicant is or was a witness in a criminal proceeding involv-
19 ing a criminal charge;

20 (D) the applicant is participating or previously participated as a
21 juror in a criminal proceeding, or is or was a member of a grand jury;
22 or

23 (E) the applicant is a spouse, domestic partner or household member of
24 a person identified in this subparagraph or subparagraph (ii) of this
25 paragraph, specifying which subparagraph or subparagraphs and clauses
26 apply.

27 (ii) the applicant has reason to believe his or her life or safety may
28 be endangered by disclosure due to reasons stated by the applicant.

29 (iii) the applicant has reason to believe he or she may be subject to
30 unwarranted harassment upon disclosure of such information.

31 ~~(c) [Each form provided for recertification pursuant to paragraph (b)~~
32 ~~of subdivision ten of this section shall include an opportunity for the~~
33 ~~applicant to request an exception from the information provided on such~~
34 ~~form becoming public record pursuant to paragraph (a) of this subdivi-~~
35 ~~sion. Such forms shall notify applicants that, upon discovery that an~~
36 ~~applicant knowingly provided false information, such applicant may be~~
37 ~~subject to penalties pursuant to section 175.30 of this chapter, and~~
38 ~~further, that his or her request for an exception shall be null and~~
39 ~~void, provided that written notice containing such determination is~~
40 ~~provided to the applicant. Further, such forms shall provide each appli-~~
41 ~~cant an opportunity to either decline to request the grant or continua-~~
42 ~~tion of an exception, or specify the grounds on which he or she believes~~
43 ~~his or her information should not be publicly disclosed. These grounds,~~
44 ~~which shall be identified in the application with a box beside each for~~
45 ~~checking, as applicable, by the applicant, shall be the same as provided~~
46 ~~in paragraph (b) of this subdivision.~~

47 ~~(d)]~~ Information submitted on the forms described in paragraph (b) of
48 this subdivision shall be excepted from disclosure and maintained by the
49 entity retaining such information separate and apart from all other
50 records.

51 ~~(e)]~~ (d) (i) Upon receiving a request for exception from disclosure,
52 the licensing officer shall grant such exception, unless the request is
53 determined to be null and void, pursuant to paragraph (b) ~~(or (e))~~ of
54 this subdivision.

55 (ii) A request for an exception from disclosure may be submitted at
56 any time, including after a license or recertification has been granted.

(iii) If an exception is sought and granted pursuant to paragraph (b) of this subdivision, the application information shall not be public record, unless the request is determined to be null and void. ~~[If an exception is sought and granted pursuant to paragraph (c) of this subdivision, the information concerning such recertification application shall not be public record, unless the request is determined to be null and void. Notwithstanding the foregoing provisions of this subparagraph, local and state law enforcement shall, upon request, be granted access to and copies of such application information provided that such information obtained by law enforcement pursuant to this subparagraph shall not be considered a public record of such law enforcement agency.]~~

~~(f)]~~ (e) The information of licensees or applicants for a license shall not be disclosed to the public during the first one hundred twenty days following the effective date of ~~[the]~~ chapter one of the laws of two thousand thirteen, which amended this section. After such period, the information of those who had applied for or been granted a license prior to the preparation of the form for requesting an exception, pursuant to paragraph (b) of this subdivision, may be released only if such individuals did not file a request for such an exception during the first sixty days following such preparation; provided, however, that no information contained in an application for licensure or recertification shall be disclosed by an entity that has not completed processing any such requests received during such sixty days.

~~(g)]~~ (f) If a request for an exception is determined to be null and void pursuant to paragraph (b) ~~[or (e)]~~ of this subdivision, an applicant may request review of such determination pursuant to article seventy-eight of the civil practice ~~[laws]~~ law and rules. Such proceeding must commence within thirty days after service of the written notice containing the adverse determination. Notice of the right to commence such a petition, and the time period therefor, shall be included in the notice of the determination. Disclosure following such a petition shall not be made prior to the disposition of such review.

10. License: expiration, certification and renewal. (a) Any license for gunsmith or dealer in firearms and, in the city of New York, any license to carry or possess a pistol or revolver, issued at any time pursuant to this section or prior to the first day of July, nineteen hundred sixty-three and not limited to expire on an earlier date fixed in the license, shall, except as otherwise provided in paragraph ~~[(d)]~~ (c) of this subdivision, expire not more than three years after the date of issuance. In the counties of Nassau, Suffolk and Westchester, any license to carry or possess a pistol or revolver, issued at any time pursuant to this section or prior to the first day of July, nineteen hundred sixty-three and not limited to expire on an earlier date fixed in the license, shall expire not more than five years after the date of issuance; however, in the county of Westchester, any such license shall be certified prior to the first day of April, two thousand, in accordance with a schedule to be contained in regulations promulgated by the commissioner of the division of criminal justice services, and every such license shall, except as otherwise provided in paragraph ~~[(d)]~~ (c) of this subdivision, be recertified every five years thereafter. For purposes of this section certification shall mean that the licensee shall provide to the licensing officer the following information only: current name, date of birth, current address, and the make, model, caliber and serial number of all firearms currently possessed. Such certification information shall be filed by the licensing officer in the same manner as an amendment. Elsewhere than in the city of New York and the

counties of Nassau, Suffolk and Westchester, any license to carry or possess a pistol or revolver, issued at any time pursuant to this section or prior to the first day of July, nineteen hundred sixty-three and not previously revoked or cancelled, shall be in force and effect until revoked as herein provided. Any license not previously cancelled or revoked shall remain in full force and effect for thirty days beyond the stated expiration date on such license. Any application to renew a license that has not previously expired, been revoked or cancelled shall thereby extend the term of the license until disposition of the application by the licensing officer. In the case of a license for gunsmith or dealer in firearms, in counties having a population of less than two hundred thousand inhabitants, photographs and fingerprints shall be submitted on original applications and upon renewal thereafter at three year intervals. Upon satisfactory proof that a currently valid original license has been despoiled, lost or otherwise removed from the possession of the licensee and upon application containing an additional photograph of the licensee, the licensing officer shall issue a duplicate license.

~~(b) [All licensees shall be recertified to the division of state police every five years thereafter, except as otherwise provided in paragraph (d) of this subdivision. Any license issued before the effective date of the chapter of the laws of two thousand thirteen which added this paragraph shall be recertified by the licensee on or before January thirty-first, two thousand eighteen, and not less than one year prior to such date, the state police shall send a notice to all license holders who have not recertified by such time. Such recertification shall be in a form as approved by the superintendent of state police, which shall request the license holder's name, date of birth, gender, race, residential address, social security number, firearms possessed by such license holder, email address at the option of the license holder and an affirmation that such license holder is not prohibited from possessing firearms. The form may be in an electronic form if so designated by the superintendent of state police. Failure to recertify shall act as a revocation of such license. If the New York state police discover as a result of the recertification process that a licensee failed to provide a change of address, the New York state police shall not require the licensing officer to revoke such license.]~~

~~(e)~~ A license to purchase or take possession of a semiautomatic rifle as defined in subdivision two of this section shall be recertified to the applicable licensing officer every five years following the issuance of such license. Failure to renew such a license shall be a violation punishable by a fine not to exceed two hundred fifty dollars, and such failure to renew shall be considered by the licensing officer when reviewing future license applications by the license holder pursuant to this chapter.

~~(d)~~ (c) Licenses issued under paragraph (f) of subdivision two of this section shall be recertified or renewed in the same form and manner as otherwise required by this subdivision, provided however, that such licenses shall be recertified or renewed every three years following the issuance of such license. For licenses issued prior to the effective date of this paragraph that were issued more than three years prior to such date, or will expire in less than one year from such date shall be recertified or renewed within one year of such date.

11. License: revocation and suspension. (a) The conviction of a licensee anywhere of a felony or serious offense ~~[or a licensee at any time becoming ineligible to obtain a license, including engaging in conduct~~

~~that would have resulted in the denial of a license, under this section]~~
shall operate as or be grounds for, a revocation of the license. A license may be revoked or suspended as provided for in section 530.14 of the criminal procedure law or section eight hundred forty-two-a of the family court act. Except for a license issued pursuant to section 400.01 of this article, a license may be revoked and cancelled at any time in the city of New York, and in the counties of Nassau and Suffolk, by the licensing officer, and elsewhere than in the city of New York by any judge or justice of a court of record; a license issued pursuant to section 400.01 of this article may be revoked and cancelled at any time by the licensing officer or any judge or justice of a court of record. A license to engage in the business of dealer may be revoked or suspended for any violation of the provisions of article thirty-nine-BB of the general business law. The official revoking a license shall give written notice thereof without unnecessary delay to the executive department, division of state police, Albany, and shall also notify immediately the duly constituted police authorities of the locality. The licensing officer shall revoke any license issued in which an applicant knowingly made a material false statement on the application. Notice of a revocation under this subdivision shall be issued in writing and shall include the basis for the determination, which shall be supported by a preponderance of the evidence. Such notice shall also include information regarding the ability to appeal such decision in accordance with subdivision four-a of this section.

(b) Whenever the director of community services in the counties of Kings, Queens, Richmond, New York and Bronx, or his or her designee makes a report pursuant to section 9.46 of the mental hygiene law, the division of criminal justice services shall convey such information, whenever it determines that the person named in the report possesses a license issued pursuant to this section, to the appropriate licensing official, who shall issue an order suspending or revoking such license.

(c) In any instance in which a person's license is suspended or revoked under paragraph (a) or (b) of this subdivision, such person shall surrender such license to the appropriate licensing official and any and all firearms, rifles, or shotguns owned or possessed by such person shall be surrendered to an appropriate law enforcement agency as provided in subparagraph (f) of paragraph one of subdivision a of section 265.20 of this chapter. In the event such license, firearm, shotgun, or rifle is not surrendered, such items shall be removed and declared a nuisance and any police officer or peace officer acting pursuant to his or her special duties is authorized to remove any and all such weapons.

12. Records required of gunsmiths and dealers in firearms. In addition to the requirements set forth in article thirty-nine-BB of the general business law, any person licensed as gunsmith or dealer in firearms shall keep a record book approved as to form, except in the city of New York, by the superintendent of state police. In the record book shall be entered at the time of every transaction involving a firearm the date, name, age, occupation and residence of any person from whom a firearm is received or to whom a firearm is delivered, and the calibre, make, model, manufacturer's name and serial number, or if none, any other distinguishing number or identification mark on such firearm. Before delivering a firearm to any person, the licensee shall require him to produce either a license valid under this section to carry or possess the same, or proof of lawful authority as an exempt person pursuant to section 265.20 of this chapter and either (a) the National Instant Crim-

1 inal Background Check System (NICS) or its successor has issued a
2 "proceed" response to the licensee, or (b) thirty calendar days have
3 elapsed since the date the licensee contacted NICS to initiate a
4 national instant criminal background check and NICS has not notified the
5 licensee that the transfer of the firearm to such person should be
6 denied. In addition, before delivering a firearm to a peace officer, the
7 licensee shall verify that person's status as a peace officer with the
8 division of state police. After completing the foregoing, the licensee
9 shall remove and retain the attached coupon and enter in the record book
10 the date of such license, number, if any, and name of the licensing
11 officer, in the case of the holder of a license to carry or possess, or
12 the shield or other number, if any, assignment and department, unit or
13 agency, in the case of an exempt person. The original transaction report
14 shall be forwarded to the division of state police within ten days of
15 delivering a firearm to any person, and a duplicate copy shall be kept
16 by the licensee. The superintendent of state police may designate that
17 such record shall be completed and transmitted in electronic form. A
18 dealer may be granted a waiver from transmitting such records in elec-
19 tronic form if the superintendent determines that such dealer is incapa-
20 ble of such transmission due to technological limitations that are not
21 reasonably within the control of the dealer, or other exceptional
22 circumstances demonstrated by the dealer, pursuant to a process estab-
23 lished in regulation, and at the discretion of the superintendent.

24 ~~[Records assembled or collected for purposes of inclusion in the data-~~
25 ~~base created pursuant to section 400.02 of this article shall not be~~
26 ~~subject to disclosure pursuant to article six of the public officers~~
27 ~~law.]~~ The record book shall be maintained on the premises mentioned and

28 described in the license and shall be open at all reasonable hours for
29 inspection by any peace officer, acting pursuant to his special duties,
30 or police officer. In the event of cancellation or revocation of the
31 license for gunsmith or dealer in firearms, or discontinuance of busi-
32 ness by a licensee, such record book shall be immediately surrendered to
33 the licensing officer in the city of New York, and in the counties of
34 Nassau and Suffolk, and elsewhere in the state to the executive depart-
35 ment, division of state police.

36 § 29. Subdivision 16-a of section 400.00 of the penal law, as added by
37 chapter 1 of the laws of 2013, paragraph (a-1) as added by chapter 98 of
38 the laws of 2013, is amended to read as follows:

39 16-a. Registration. (a) An owner of a weapon defined in [~~paragraph (e)~~
40 ~~or (f)~~] subparagraph (v) or (vi) of paragraph (b) of subdivision twen-
41 ty-two of section 265.00 of this chapter, who resides in the county of
42 Kings, Queens, Richmond, New York or Bronx, possessed before the date of
43 the effective date of [~~the~~] chapter one of the laws of two thousand
44 thirteen which added this paragraph, must make an application to regis-
45 ter such weapon with the superintendent of state police, in the manner
46 provided by the superintendent, or by amending a license issued pursuant
47 to this section within one year of the effective date of this subdivi-
48 sion except any weapon defined under [~~subparagraph (vi)~~] clause (F) of
49 subparagraph (vii) of paragraph [~~(g)~~] (b) of subdivision twenty-two of
50 section 265.00 of this chapter transferred into the state may be regis-
51 tered at any time, provided such weapons are registered within thirty
52 days of their transfer into the state. Registration information shall
53 include the registrant's name, date of birth, gender, race, residential
54 address, social security number and a description of each weapon being
55 registered. A registration in the county of Kings, Queens, Richmond, New
56 York or Bronx, of any weapon defined under [~~subparagraph (vi)~~] clause

1 (F) of subparagraph (vii) of paragraph [~~(s)~~] (b) of subdivision twenty-
2 two of section 265.00 or a feeding device as defined under subdivision
3 twenty-three of section 265.00 of this chapter shall be transferable,
4 provided that the seller notifies the division of state police within
5 seventy-two hours of the transfer and the buyer provides the division of
6 state police with information sufficient to constitute a registration
7 under this section. Such registration shall not be valid if such regis-
8 trant is prohibited or becomes prohibited from possessing a firearm
9 pursuant to state or federal law. The superintendent shall determine
10 whether such registrant is prohibited from possessing a firearm under
11 state or federal law. Such check shall be limited to determining whether
12 the factors in 18 USC 922 (g) apply or whether a registrant has been
13 convicted of a serious offense as defined in subdivision sixteen-b of
14 section 265.00 of this chapter, so as to prohibit such registrant from
15 possessing a firearm, and whether a report has been issued pursuant to
16 section 9.46 of the mental hygiene law. [~~All~~] Such registrants shall
17 recertify to the division of state police every five years thereafter.
18 Failure to recertify shall result in a revocation of such registration.

19 (a-1) Notwithstanding any inconsistent provisions of paragraph (a) of
20 this subdivision, an owner, who resides in the county of Kings, Queens,
21 Richmond, New York or Bronx, of an assault weapon as defined in subdivi-
22 sion twenty-two of section 265.00 of this chapter, who is a qualified
23 retired New York or federal law enforcement officer as defined in subdivi-
24 sion twenty-five of section 265.00 of this chapter, where such weapon
25 was issued to or purchased by such officer prior to retirement and in
26 the course of his or her official duties, and for which such officer was
27 qualified by the agency that employed such officer within twelve months
28 prior to his or her retirement, must register such weapon within sixty
29 days of retirement.

30 (b) The superintendent of state police shall create and maintain an
31 internet website to educate the public, who reside in the county of
32 Kings, Queens, Richmond, New York or Bronx, as to which semiautomatic
33 rifle, semiautomatic shotgun or semiautomatic pistol or weapon that are
34 illegal as a result of the enactment of [~~the~~] chapter one of the laws of
35 two thousand thirteen which added this paragraph, as well as such
36 assault weapons which are illegal pursuant to article two hundred
37 sixty-five of this chapter. Such website shall contain information to
38 assist [~~the~~] such public in recognizing the relevant features proscribed
39 by such article two hundred sixty-five, as well as which make and model
40 of weapons that require registration.

41 (c) A person, who resides in the county of Kings, Queens, Richmond,
42 New York or Bronx, who knowingly fails to apply to register such weapon,
43 as required by this section, within one year of the effective date of
44 [~~the~~] chapter one of the laws of two thousand thirteen which added this
45 paragraph shall be guilty of a class A misdemeanor and such person who
46 unknowingly fails to validly register such weapon within such one year
47 period shall be given a warning by an appropriate law enforcement
48 authority about such failure and given thirty days in which to apply to
49 register such weapon or to surrender it. A failure to apply or surrender
50 such weapon within such thirty-day period shall result in such weapon
51 being removed by an appropriate law enforcement authority and declared a
52 nuisance.

53 § 30. Section 400.02 of the penal law is REPEALED.

54 § 31. Section 400.03 of the penal law, as added by chapter 1 of the
55 laws of 2013, subdivisions 2 and 6 as amended by section 8 of chapter
56 371 of the laws of 2022, is amended to read as follows:

1 § 400.03 Sellers of ammunition.

2 1. A seller of ammunition as defined in subdivision twenty-four of
3 section 265.00 of this chapter doing business in the county of Kings,
4 Queens, Richmond, New York or Bronx, shall register with the superinten-
5 dent of state police in a manner provided by the superintendent. Any
6 dealer in firearms that is validly licensed pursuant to section 400.00
7 of this article shall not be required to complete such registration.

8 2. Any seller of ammunition or dealer in firearms doing business in
9 the county of Kings, Queens, Richmond, New York or Bronx, shall keep
10 either an electronic record, or dataset, or an organized collection of
11 structured information, or data, typically stored electronically in a
12 computer system approved as to form by the superintendent of state
13 police. In the record shall be entered at the time of every transaction
14 involving ammunition the date, name, age, occupation and residence of
15 any person from whom ammunition is received or to whom ammunition is
16 delivered, and the amount, calibre, manufacturer's name and serial
17 number, or if none, any other distinguishing number or identification
18 mark on such ammunition.

19 3. [~~No later than thirty days after the superintendent of the state~~
20 ~~police certifies that the statewide license and record database estab-~~
21 ~~lished pursuant to section 400.02 of this article is operational for the~~
22 ~~purposes of this section, a~~] A dealer in firearms licensed pursuant to
23 section 400.00 of this article, a seller of ammunition as defined in
24 subdivision twenty-four of section 265.00 of this chapter doing business
25 in the county of Kings, Queens, Richmond, New York or Bronx, shall not
26 transfer any ammunition to any other person who is not a dealer in
27 firearms as defined in subdivision nine of such section 265.00 or a
28 seller of ammunition as defined in subdivision twenty-four of section
29 265.00 of this chapter, unless:

30 (a) before the completion of the transfer, the licensee or seller
31 contacts the [~~statewide license and record database~~] superintendent of
32 state police and provides the [~~database~~] superintendent with information
33 sufficient to identify such dealer or seller, transferee based on infor-
34 mation on the transferee's identification document as defined in para-
35 graph (c) of this subdivision, as well as the amount, calibre, manufac-
36 turer's name and serial number, if any, of such ammunition;

37 (b) the [~~system~~] superintendent provides the licensee or seller with a
38 unique identification number; and

39 (c) the transferor has verified the identity of the transferee by
40 examining a valid state identification document of the transferee issued
41 by the department of motor vehicles or if the transferee is not a resi-
42 dent of the state of New York, a valid identification document issued by
43 the transferee's state or country of residence containing a photograph
44 of the transferee.

45 4. If the [~~database~~] superintendent of state police determines that
46 the purchaser of ammunition is eligible to possess ammunition pursuant
47 to state and federal laws, [~~the system~~] he or she shall:

48 (a) assign a unique identification number to the transfer; and

49 (b) provide the licensee or seller with the number.

50 5. If the [~~statewide license and record database~~] superintendent of
51 state police notifies the licensee or seller that the information avail-
52 able [~~to the database~~] does not demonstrate that the receipt of ammuni-
53 tion by such other person would violate 18 U.S.C. 922(g) or state law,
54 and the licensee transfers ammunition to such other person, the licensee
55 shall indicate to the [~~database~~] superintendent that such transaction
56 has been completed at which point a record of such transaction shall be

1 created which shall be accessible by the division of state police and
2 maintained for no longer than one year from point of purchase~~[, which~~
3 ~~shall not be incorporated into the database established pursuant to~~
4 ~~section 400.02 of this article or the registry established pursuant to~~
5 ~~subdivision sixteen-a of section 400.00 of this article]~~. The division
6 of state police may share such information with a local law enforcement
7 agency. Evidence of the purchase of ammunition is not sufficient to
8 establish probable cause to believe that the purchaser has committed a
9 crime absent other information tending to prove the commission of a
10 crime. Records assembled or accessed pursuant to this section shall not
11 be subject to disclosure pursuant to article six of the public officers
12 law. This requirement of this section shall not apply (i) if a back-
13 ground check cannot be completed because the system is not operational
14 as determined by the superintendent of state police, or where it cannot
15 be accessed by the practitioner due to a temporary technological or
16 electrical failure, as set forth in regulation, or (ii) a dealer or
17 seller has been granted a waiver from conducting such background check
18 if the superintendent of state police determines that such dealer is
19 incapable of such check due to technological limitations that are not
20 reasonably within the control of the dealer, or other exceptional
21 circumstances demonstrated by the dealer, pursuant to a process estab-
22 lished in regulation, and at the discretion of such superintendent.

23 6. If the superintendent of state police certifies that background
24 checks of ammunition purchasers in the county of Kings, Queens, Rich-
25 mond, New York or Bronx may be conducted through the national instant
26 criminal background check system or through the division of state police
27 once the division has been designated point of contact, use of that
28 system by a dealer or seller shall be sufficient to satisfy subdivisions
29 four and five of this section and such checks shall be conducted through
30 such system, provided that a record of such transaction shall be
31 forwarded to the state police in a form determined by the superinten-
32 dent.

33 7. No commercial transfer of ammunition shall take place in the county
34 of Kings, Queens, Richmond, New York or Bronx unless a licensed dealer
35 in firearms or registered seller of ammunition acts as an intermediary
36 between the transferor and the ultimate transferee of the ammunition for
37 the purposes of contacting the statewide license and record database
38 pursuant to this section. Such transfer between the dealer or seller,
39 and transferee must occur in person.

40 8. A seller of ammunition who fails to register pursuant to this
41 section and sells ammunition, for a first offense, shall be guilty of a
42 violation and subject to the fine of one thousand dollars and for a
43 second offense, shall be guilty of a class A misdemeanor.

44 A seller of ammunition that fails to keep any record required pursuant
45 to this section, for a first offense shall be guilty of a violation and
46 subject to a fine of five hundred dollars, and for a second offense
47 shall be guilty of a class B misdemeanor, and the registration of such
48 seller shall be revoked.

49 § 32. Subdivision 6 of section 400.03 of the penal law, as separately
50 amended by sections 8 and 19 of chapter 371 of the laws of 2022, is
51 amended to read as follows:

52 6. If the superintendent of state police certifies that background
53 checks of ammunition purchasers in the county of Kings, Queens, Rich-
54 mond, New York or Bronx may be conducted through the national instant
55 criminal background check system or through the division of state police
56 once the division has been designated point of contact, a dealer or

1 seller shall contact the division of state police to conduct such check
2 which shall be sufficient to satisfy subdivisions four and five of this
3 section.

4 § 33. Paragraph (a) of subdivision 1 and subdivision 3 of section
5 400.10 of the penal law, as amended by chapter 1 of the laws of 2013,
6 are amended to read as follows:

7 (a) Any owner or other person lawfully in possession of: (i) a
8 firearm, rifle or~~r~~ shotgun who suffers the loss or theft of said weap-
9 on; (ii) in the county of Kings, Queens, Richmond, New York or Bronx,
10 ammunition as well as a firearm, rifle or shotgun who suffers the loss
11 or theft of such ammunition as well as a firearm, rifle or shotgun; or
12 (iii) in the county of Kings, Queens, Richmond, New York or Bronx, ammu-
13 nition and is a dealer in firearms or seller of ammunition who suffers
14 the loss or theft of such ammunition shall within twenty-four hours of
15 the discovery of the loss or theft report the facts and circumstances of
16 the loss or theft to a police department or sheriff's office.

17 3. Notwithstanding any other provision of law, a violation of para-
18 graph (a) of subdivision one of this section shall be [~~a class A misde-~~
19 ~~meanor~~] punishable only by a fine not to exceed one hundred dollars.

20 § 34. Section 2509 of the surrogate's court procedure act, as added by
21 chapter 1 of the laws of 2013, is amended to read as follows:

22 § 2509. Firearms inventory

23 Whenever, by regulation, rule or statute, a fiduciary or attorney of
24 record in the county of Kings, Queens, Richmond, New York or Bronx must
25 file a list of assets constituting a decedent's estate, such list must
26 include a particularized description of every firearm, shotgun and
27 rifle, as such terms are defined in section 265.00 of the penal law,
28 that are part of such estate. Such list must be filed with the surro-
29 gate's court in the county in which the estate proceeding, if any, is
30 pending and a copy must be filed with the division of criminal justice
31 services.

32 § 35. This act shall take effect immediately; provided that the amend-
33 ments to subdivision 6 of section 400.03 of the penal law made by
34 section thirty-two of this act shall take effect on the same date and in
35 the same manner as section 19 of chapter 371 of the laws of 2022 takes
36 effect.