STATE OF NEW YORK

565--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 9, 2023

Introduced by M. of A. PAULIN, DINOWITZ, FAHY, SEAWRIGHT, DICKENS, LUPARDO, OTIS, K. BROWN -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to establishing a voluntary waiver of the right to purchase firearms, rifles, or shotguns

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

Section 1. The executive law is amended by adding a new section 221-e to read as follows:

§ 221-e. Voluntary waiver of right to purchase firearms, rifles, or shotguns. 1. An individual may file a voluntary waiver of the right to purchase a firearm, rifle or shotgun with the division of state police, in a manner that shall be determined by the superintendent. Such individual shall then be prohibited from purchasing firearms, rifles and shotguns. The division of state police shall verify the individual's identity prior to accepting such form. The individual filing the waiver may provide an additional individual to be contacted if the waiver is revoked as set forth in subdivision three of this section.

2. The division of state police shall maintain statewide records of individuals who waive the right to purchase firearms, rifles or shotguns as set forth in subdivision one of this section and revocations of such waivers as set forth in subdivision three of this section. Such records shall be maintained for internal use in a manner determined by the superintendent. The division of state police shall enter each waiver into the national instant criminal background check system and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms, rifles and shotguns within twenty-four hours of receipt of the waiver.

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

LBD02126-02-4

3. An individual may file a revocation of the waiver with the division of state police in a form that shall be determined by the superintendent. The division of state police shall verify the individual's identity prior to accepting such revocation. Twenty-one days after receiving the revocation, the division of state police shall remove the individual from the national instant criminal background check system and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms, rifles and shotguns, to indicate that the individual is no longer a prohibited purchaser of firearms, rifles or shotguns due to the voluntary waiver.

4. A waiver pursuant to this section may not be required of an individual as a condition for receiving employment, benefits or services.

5. No records required by this section shall be subject to disclosure and shall be confidential with respect to all matters involving health care, employment, education, housing, insurance, government benefits, and contracting.

6. Any information about an individual that is contained in, or transmitted to, the division of state police shall not be used for any purpose other than to determine the eligibility of the individual to receive a firearm.

7. Any person who knowingly makes a false statement or representation regarding his or her identity when submitting a voluntary waiver of the right to purchase a firearm, rifle or shotgun shall be guilty of offering a false instrument for filing in the second degree, as defined by section 175.30 of the penal law.

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