STATE OF NEW YORK

138--A

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. RYAN, KAVANAGH, CHU, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law and the executive law, in relation to certifying instructors in small arms practice

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

Section 1. Subdivision 19 of section 265.00 of the penal law, as amended by chapter 371 of the laws of 2022, is amended to read as follows:

19. **(a)** "Duly authorized instructor" means [~~(a)~~] **(i)** a duly commissioned officer of the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York; or [~~(b)~~] **(ii)** a duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the United States army, navy or marine corps, or by the adjutant general of this state, [~~or by the division of criminal justice services,~~] or by the national rifle association of America, a not-for-profit corporation duly organized under the laws of this state; [~~(c)~~] **(iii)** by a person duly qualified and designated by the department of environmental conservation as its agent in the giving of instruction and the making of certifications of qualification in responsible hunting practices; or [~~(d)~~] **(iv)** a New York state 4-H certified shooting sports instructor.

(b) Notwithstanding paragraph (a) of this subdivision, any certificate as an instructor in small arms practice issued to individuals pursuant to subparagraph (ii) of paragraph (a) of this subdivision shall be valid through December thirty-first, two thousand twenty-six. After such date, individuals certified as an instructor in small arms practice pursuant to subparagraph (ii) of paragraph (a) of this subdivision shall seek

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

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recertification subject to the standards and curriculum promulgated by the division of criminal justice services pursuant to subdivision twenty-three of section eight hundred thirty-seven of the executive law.

§ 2. Subdivision 23 of section 837 of the executive law, as added by chapter 371 of the laws of 2022, is amended to read as follows:

23. (a) In conjunction with the superintendent of [~~the~~] state police, promulgate policies and procedures with regard to standardization of firearms safety training required under subdivision nineteen of section 400.00 of the penal law, which shall include the approval of course materials and promulgation of proficiency standards for live fire training; [~~and~~]

(b) In conjunction with the superintendent of state police, create an appeals board for the purpose of hearing appeals as provided in subdivision four-a of section 400.00 of the penal law and promulgate rules and regulations governing such appeals[~~.~~]**; and**

(c) Promulgate minimum standards and create curricula for the certification of duly authorized instructors pursuant to section 265.00 of the penal law. The division shall promulgate any rules and regulations necessary for the implementation of this subdivision.

§ 3. This act shall take effect immediately, provided, however, that the amendments to subdivision 19 of section 265.00 of the penal law made by section one of this act shall take effect on the same date and in the same manner as section 22 of chapter 371 of the laws of 2022, takes effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.