

# STATE OF NEW YORK

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1657

2023-2024 Regular Sessions

## IN SENATE

January 13, 2023

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Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to qualified firearms instructors

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

1 Section 1. Subdivision 19 of section 265.00 of the penal law, as  
2 amended by chapter 150 of the laws of 2020, is amended to read as  
3 follows:

4 19. "Duly authorized instructor" means (a) a duly commissioned officer  
5 of the United States army, navy, marine corps or coast guard, or of the  
6 national guard of the state of New York; or (b) a duly qualified adult  
7 citizen of the United States who has been granted a certificate as an  
8 instructor in small arms practice issued by the United States army, navy  
9 or marine corps, or by the adjutant general of this state, or by the  
10 national rifle association of America, a not-for-profit corporation duly  
11 organized under the laws of this state; (c) by a person duly qualified  
12 and designated by the department of environmental conservation under  
13 paragraph c of subdivision three of section 11-0713 of the environmental  
14 conservation law as its agent in the giving of instruction and the  
15 making of certifications of qualification in responsible hunting prac-  
16 tices; ~~[or]~~ (d) a New York state 4-H certified shooting sports instruc-  
17 tor; or (e) a qualified firearms instructor.

18 § 1-a. Subdivision 19 of section 265.00 of the penal law, as amended  
19 by chapter 371 of the laws of 2022, is amended to read as follows:

20 19. "Duly authorized instructor" means (a) a duly commissioned officer  
21 of the United States army, navy, marine corps or coast guard, or of the  
22 national guard of the state of New York; or (b) a duly qualified adult  
23 citizen of the United States who has been granted a certificate as an  
24 instructor in small arms practice issued by the United States army, navy  
25 or marine corps, or by the adjutant general of this state, or by the

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

LBD05698-01-3

1 division of criminal justice services, or by the national rifle associ-  
2 ation of America, a not-for-profit corporation duly organized under the  
3 laws of this state; (c) by a person duly qualified and designated by the  
4 department of environmental conservation as its agent in the giving of  
5 instruction and the making of certifications of qualification in respon-  
6 sible hunting practices; ~~or~~ (d) a New York state 4-H certified shoot-  
7 ing sports instructor; or (e) a qualified firearms instructor.

8 § 2. Section 265.00 of the penal law is amended by adding a new subdivi-  
9 sion 36 to read as follows:

10 36. "Qualified firearms instructor" means an individual who holds a  
11 certificate as a firearms instructor from an association or organization  
12 recognized by the division of criminal justice services.

13 § 3. Paragraph 7-b of subdivision a of section 265.20 of the penal  
14 law, as amended by chapter 511 of the laws of 2014, is amended to read  
15 as follows:

16 7-b. Possession and use, at an indoor or outdoor pistol range located  
17 in or on premises owned or occupied by a duly incorporated organization  
18 organized for conservation purposes or to foster proficiency in small  
19 arms or at a target pistol shooting competition under the auspices of or  
20 approved by the national rifle association for the purpose of loading  
21 and firing the same, by a person who has applied for a license to  
22 possess a pistol or revolver and pre-license possession of same pursuant  
23 to section 400.00 or 400.01 of this chapter, who has not been previously  
24 denied a license, been previously convicted of a felony or serious  
25 offense, and who does not appear to be, or pose a threat to be, a danger  
26 to himself or to others, and who has been approved for possession and  
27 use herein in accordance with section 400.00 or 400.01 of this chapter;  
28 provided however, that such possession shall be of a pistol or revolver  
29 duly licensed to and shall be used under the supervision, guidance and  
30 instruction of, a person specified in paragraph seven of this subdivi-  
31 sion, or a qualified firearms instructor, and provided further that such  
32 possession and use be within the jurisdiction of the licensing officer  
33 with whom the person has made application therefor or within the juris-  
34 diction of the superintendent of state police in the case of a retired  
35 sworn member of the division of state police who has opted to make an  
36 application pursuant to section 400.01 of this chapter.

37 § 4. This act shall take effect immediately; provided that the amend-  
38 ments to subdivision 19 of section 265.00 of the penal law made by  
39 section one-a of this act shall take effect on the same date and in the  
40 same manner as chapter 371 of the laws of 2022, takes effect.