STATE OF NEW YORK

1657

2023-2024 Regular Sessions

IN SENATE

January 13, 2023

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:

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

19. "Duly authorized instructor" means (a) 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) 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 national rifle association of America, a not-for-profit corporation duly organized under the laws of this state; (c) by a person duly qualified and designated by the department of environmental conservation under paragraph c of subdivision three of section 11-0713 of the environmental conservation law as its agent in the giving of instruction and the making of certifications of qualification in responsible hunting practices; [~~or~~] (d) a New York state 4-H certified shooting sports instructor**; or (e) a qualified firearms instructor**.

§ 1-a. 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. "Duly authorized instructor" means (a) 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) 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

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

LBD05698-01-3

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) 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) a New York state 4-H certified shooting sports instructor**; or (e) a qualified firearms instructor**.

§ 2. Section 265.00 of the penal law is amended by adding a new subdivision 36 to read as follows:

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

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

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

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