

STATE OF NEW YORK

5902

2023-2024 Regular Sessions

IN SENATE

March 22, 2023

Introduced by Sens. BRISPORT, JACKSON, SANDERS -- 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 requiring proof of liability insurance prior to the issuance of a license to carry a firearm

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

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

2 1. Eligibility. No license shall be issued or renewed pursuant to this
3 section except by the licensing officer, and then only after investigation and finding that all statements in a proper application for a
4 license are true. No license shall be issued or renewed except for an
5 applicant (a) twenty-one years of age or older, provided, however, that
6 where such applicant has been honorably discharged from the United
7 States army, navy, marine corps, air force or coast guard, or the
8 national guard of the state of New York, no such age restriction shall
9 apply; (b) of good moral character, which, for the purposes of this
10 article, shall mean having the essential character, temperament and
11 judgement necessary to be entrusted with a weapon and to use it only in
12 a manner that does not endanger oneself or others; (c) who has not been
13 convicted anywhere of a felony or a serious offense or who is not the
14 subject of an outstanding warrant of arrest issued upon the alleged
15 commission of a felony or serious offense; (d) who is not a fugitive
16 from justice; (e) who is not an unlawful user of or addicted to any
17 controlled substance as defined in section 21 U.S.C. 802; (f) who being
18 a noncitizen (i) is not illegally or unlawfully in the United States or
19 (ii) has not been admitted to the United States under a nonimmigrant
20 visa subject to the exception in 18 U.S.C. 922(y)(2); (g) who has not
21 been discharged from the Armed Forces under dishonorable conditions; (h)
22 who, having been a citizen of the United States, has not renounced his
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 or her citizenship; (i) who has stated whether he or she has ever
2 suffered any mental illness; (j) who has not been involuntarily commit-
3 ted to a facility under the jurisdiction of an office of the department
4 of mental hygiene pursuant to article nine or fifteen of the mental
5 hygiene law, article seven hundred thirty or section 330.20 of the crim-
6 inal procedure law or substantially similar laws of any other state,
7 section four hundred two or five hundred eight of the correction law,
8 section 322.2 or 353.4 of the family court act, has not been civilly
9 confined in a secure treatment facility pursuant to article ten of the
10 mental hygiene law, or has not been the subject of a report made pursu-
11 ant to section 9.46 of the mental hygiene law; (k) who has not had a
12 license revoked or who is not under a suspension or ineligibility order
13 issued pursuant to the provisions of section 530.14 of the criminal
14 procedure law or section eight hundred forty-two-a of the family court
15 act; (l) in the county of Westchester, who has successfully completed a
16 firearms safety course and test as evidenced by a certificate of
17 completion issued in his or her name and endorsed and affirmed under the
18 penalties of perjury by a duly authorized instructor, except that: (i)
19 persons who are honorably discharged from the United States army, navy,
20 marine corps or coast guard, or of the national guard of the state of
21 New York, and produce evidence of official qualification in firearms
22 during the term of service are not required to have completed those
23 hours of a firearms safety course pertaining to the safe use, carrying,
24 possession, maintenance and storage of a firearm; (ii) persons who were
25 licensed to possess a pistol or revolver prior to the effective date of
26 this paragraph are not required to have completed a firearms safety
27 course and test, provided, however, persons with a license issued under
28 paragraph (f) of subdivision two of this section prior to the effective
29 date of ~~[the]~~ chapter three hundred seventy-one of the laws of two thou-
30 sand twenty-two ~~[which amended this paragraph]~~ shall be required to
31 complete the training required by subdivision nineteen of this section
32 prior to the recertification of such license; and (iii) persons applying
33 for a license under paragraph (f) of subdivision two of this section on
34 or after the effective date of ~~[the]~~ chapter three hundred seventy-one
35 of the laws of two thousand twenty-two ~~[which amended this paragraph]~~
36 who shall be required to complete the training required under subdivi-
37 sion nineteen of this section for such license; (m) who has not had a
38 guardian appointed for him or her pursuant to any provision of state
39 law, based on a determination that as a result of marked subnormal
40 intelligence, mental illness, incompetency, incapacity, condition or
41 disease, he or she lacks the mental capacity to contract or manage his
42 or her own affairs; (n) who submits proof of personal liability insur-
43 ance; (o) for a license issued under paragraph (f) of subdivision two of
44 this section, that the applicant has not been convicted within five
45 years of the date of the application of any of the following: (i)
46 assault in the third degree, as defined in section 120.00 of this chap-
47 ter; (ii) misdemeanor driving while intoxicated, as defined in section
48 eleven hundred ninety-two of the vehicle and traffic law; or (iii)
49 menacing, as defined in section 120.15 of this chapter; and ~~[-e-]~~ (p)
50 for a license issued under paragraph (f) of subdivision two of this
51 section, the applicant shall meet in person with the licensing officer
52 for an interview and shall, in addition to any other information or
53 forms required by the license application submit to the licensing offi-
54 cer the following information: (i) names and contact information for the
55 applicant's current spouse, or domestic partner, any other adults resid-
56 ing in the applicant's home, including any adult children of the appli-

1 cant, and whether or not there are minors residing, full time or part
2 time, in the applicant's home; (ii) names and contact information of no
3 less than four character references who can attest to the applicant's
4 good moral character and that such applicant has not engaged in any
5 acts, or made any statements that suggest they are likely to engage in
6 conduct that would result in harm to themselves or others; (iii) certifi-
7 cation of completion of the training required in subdivision nineteen
8 of this section; (iv) a list of former and current social media accounts
9 of the applicant from the past three years to confirm the information
10 regarding the applicants character and conduct as required in subpara-
11 graph (ii) of this paragraph; and (v) such other information required by
12 the licensing officer that is reasonably necessary and related to the
13 review of the licensing application.

14 § 2. This act shall take effect on the first of November next succeed-
15 ing the date on which it shall have become a law and shall apply to
16 licenses issued or renewed on or after such date.