

# STATE OF NEW YORK

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7650

2023-2024 Regular Sessions

## IN SENATE

September 11, 2023

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

AN ACT amend the penal law, in relation to the statewide license and record database; and to repeal certain provisions of the executive law and the state finance law relating thereto

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

1 Section 1. The opening paragraph of subdivision 2 of section 400.02 of  
2 the penal law, as added by chapter 371 of the laws of 2022, is amended  
3 to read as follows:

4 There shall be a statewide license and record database specific for  
5 ammunition sales which shall be created and maintained by the division  
6 of state police the cost of which shall not be borne by [~~any muni-~~  
7 ~~city~~] the state in its entirety and shall not be passed on to consum-  
8 ers or retailers subject to ammunition background checks no later than  
9 thirty days upon designating the division of state police as the point  
10 of contact to perform both firearm and ammunition background checks  
11 under federal and state law. Records assembled or collected for purposes  
12 of inclusion in such database shall not be subject to disclosure pursu-  
13 ant to article six of the public officers law. All records containing  
14 granted license applications from all licensing authorities shall be  
15 monthly checked by the division of criminal justice services in conjunc-  
16 tion with the division of state police against criminal conviction,  
17 criminal indictments, mental health, extreme risk protection orders,  
18 orders of protection, and all other records as are necessary to deter-  
19 mine their continued accuracy as well as whether an individual is no  
20 longer a valid license holder. The division of criminal justice services  
21 shall also check pending applications made pursuant to this article  
22 against such records to determine whether a license may be granted. All  
23 state and local agencies shall cooperate with the division of criminal  
24 justice services, as otherwise authorized by law, in making their

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

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1 records available for such checks. No later than thirty days after the  
2 superintendent of the state police certifies that the statewide license  
3 and record database established pursuant to this section and the state-  
4 wide license and record database established for ammunition sales are  
5 operational for the purposes of this section, a dealer in firearms  
6 licensed pursuant to section 400.00 of this article, a seller of ammuni-  
7 tion as defined in subdivision twenty-four of section 265.00 of this  
8 chapter shall not transfer any ammunition to any other person who is not  
9 a dealer in firearms as defined in subdivision nine of such section  
10 265.00 or a seller of ammunition as defined in subdivision twenty-four  
11 of section 265.00 of this chapter, unless:  
12 § 2. Subdivision 5 of section 228 of the executive law is REPEALED.  
13 § 3. Section 99-pp of the state finance law, as added by chapter 371  
14 of the laws of 2022, is REPEALED.  
15 § 4. This act shall take effect immediately.