

STATE OF NEW YORK

7674

2023-2024 Regular Sessions

IN SENATE

September 29, 2023

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

AN ACT to amend the penal law, in relation to permitting certain licensed individuals to purchase or take possession of ammunition without requiring contacting the statewide license and record database

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 municipality
7 no later than thirty days upon designating the division of state police
8 as the point of contact to perform both firearm and ammunition back-
9 ground checks under federal and state law. Records assembled or
10 collected for purposes of inclusion in such database shall not be
11 subject to disclosure pursuant to article six of the public officers
12 law. All records containing granted license applications from all
13 licensing authorities shall be monthly checked by the division of crimi-
14 nal justice services in conjunction with the division of state police
15 against criminal conviction, criminal indictments, mental health,
16 extreme risk protection orders, orders of protection, and all other
17 records as are necessary to determine their continued accuracy as well
18 as whether an individual is no longer a valid license holder. The divi-
19 sion of criminal justice services shall also check pending applications
20 made pursuant to this article against such records to determine whether
21 a license may be granted. All state and local agencies shall cooperate
22 with the division of criminal justice services, as otherwise authorized
23 by law, in making their records available for such checks. No later than
24 thirty days after the superintendent of the state police certifies that

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

LBD13301-01-3

1 the statewide license and record database established pursuant to this
2 section and the statewide license and record database established for
3 ammunition sales are operational for the purposes of this section, a
4 dealer in firearms licensed pursuant to section 400.00 of this article,
5 a seller of ammunition as defined in subdivision twenty-four of section
6 265.00 of this chapter shall not transfer any ammunition to any other
7 person who is not a dealer in firearms as defined in subdivision nine of
8 such section 265.00 or a seller of ammunition as defined in subdivision
9 twenty-four of section 265.00 of this chapter, is not licensed to carry
10 or possess a pistol or revolver or to purchase or take possession of a
11 semi-automatic rifle pursuant to section 400.00 of this article, or is
12 not licensed to hunt wildlife pursuant to section 11-0701 of the envi-
13 ronmental conservation law, unless:

14 § 2. The opening paragraph of subdivision 3 of section 400.03 of the
15 penal law, as added by chapter 1 of the laws of 2013, is amended to read
16 as follows:

17 No later than thirty days after the superintendent of the state police
18 certifies that the statewide license and record database established
19 pursuant to section 400.02 of this article is operational for the
20 purposes of this section, a dealer in firearms licensed pursuant to
21 section 400.00 of this article, a seller of ammunition as defined in
22 subdivision twenty-four of section 265.00 of this chapter shall not
23 transfer any ammunition to any other person who is not a dealer in
24 firearms as defined in subdivision nine of such section 265.00 or a
25 seller of ammunition as defined in subdivision twenty-four of section
26 265.00 of this chapter, is not licensed to carry or possess a pistol or
27 revolver or to purchase or take possession of a semi-automatic rifle
28 pursuant to section 400.00 of this article, or is not licensed to hunt
29 wildlife pursuant to section 11-0701 of the environmental conservation
30 law, unless:

31 § 3. This act shall take effect on the thirtieth day after it shall
32 have become a law.