

STATE OF NEW YORK

1600

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. BLANKENBUSH, BRABENEC, DeSTEFANO, HAWLEY, ANGELINO, MILLER, McDONOUGH, SMULLEN, TAGUE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to pistol permit applications for military personnel

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

1 Section 1. Subdivision 4-a of section 400.00 of the penal law, as
2 added by chapter 233 of the laws of 1980, is amended to read as follows:

3 4-a. Processing of license applications. Applications for licenses
4 shall be accepted for processing by the licensing officer at the time of
5 presentment. Except upon written notice to the applicant specifically
6 stating the reasons for any delay, in each case the licensing officer
7 shall act upon any application for a license pursuant to this section
8 within six months of the date of presentment of such an application to
9 the appropriate authority. Such delay may only be for good cause and
10 with respect to the applicant. In acting upon an application, the
11 licensing officer shall either deny the application for reasons specif-
12 ically and concisely stated in writing or grant the application and
13 issue the license applied for. However, an application for a license
14 pursuant to this section for any member of an active or reserve compo-
15 nent of the armed forces of the United States shall be acted upon by the
16 licensing officer within ninety days of the date of presentment of such
17 an application to the appropriate authority.

18 § 2. Subdivision 4-a of section 400.00 of the penal law, as amended by
19 chapter 371 of the laws of 2022, is amended to read as follows:

20 4-a. Appeals from denial of an application, renewal, recertification
21 or license revocation. If an application for a license is denied, not
22 renewed, not recertified, or revoked, the licensing officer shall issue
23 a written notice to the applicant setting forth the reasons for such
24 denial. An applicant may, within ninety days of receipt of such notice,

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

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1 request a hearing to appeal the denial to the appeals board created by
2 the division of criminal justice services and the superintendent of
3 state police. An individual may be represented by counsel at any appear-
4 ance before the appeals board and shall be afforded an opportunity to
5 present additional evidence in support of their application. The commis-
6 sioner of criminal justice services and the superintendent of state
7 police shall promulgate rules and regulations governing such appeals
8 process. However, an application for a license pursuant to this section
9 for any member of an active or reserve component of the armed forces of
10 the United States shall be acted upon by the licensing officer within
11 ninety days of the date of presentment of such an application to the
12 appropriate authority.

13 § 3. The penal law is amended by adding a new section 400.15 to read
14 as follows:

15 § 400.15 Reciprocity for qualified military personnel.

16 1. Notwithstanding any other provision of law to the contrary, any
17 member of an active or reserve component of the armed forces of the
18 United States who is duly licensed to carry a pistol or firearm by
19 another jurisdiction within the United States shall be allowed to carry
20 such pistol or firearm within New York state for a period of time not to
21 exceed ninety days, and for the period of time an application is pending
22 under section 400.00 of this article.

23 2. Persons carrying a firearm under the provisions of this section
24 shall be required to: (a) carry the out-of-state permit together with
25 valid identification whenever the person is carrying the pistol or
26 firearm and (b) disclose to any law enforcement officer that the person
27 holds a valid permit and is carrying a pistol or firearm when approached
28 or addressed by the officer, and shall display both the permit and the
29 proper identification upon the request of a law enforcement officer.

30 § 4. This act shall take effect on the sixtieth day after it shall
31 have become a law; provided, however, that section two of this act shall
32 take effect on the same date and in the same manner as chapter 371 of
33 the laws of 2022, takes effect.