

# STATE OF NEW YORK

3657

2023-2024 Regular Sessions

## IN ASSEMBLY

February 3, 2023

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

AN ACT to amend the penal law, in relation to a license to carry or possess a firearm

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

1 Section 1. Section 265.00 of the penal law is amended by adding a new  
2 subdivision 10-a to read as follows:

3 10-a. "Filing officer" means the county clerk of each county, unless  
4 otherwise specified through resolution by the county's legislative body.

5 § 2. Subdivisions 9, 10, 13 and 14 of section 400.00 of the penal law,  
6 subdivisions 9 and 14 as amended by chapter 212 of the laws of 2022, and  
7 subdivision 10 as amended by chapter 371 of the laws of 2022, are  
8 amended to read as follows:

9 9. License: amendment. Elsewhere than in the city of New York, a  
10 person licensed to carry or possess a pistol or revolver or to purchase  
11 or take possession of a semiautomatic rifle may apply at any time to  
12 [~~his or her licensing~~] the filing officer for amendment of his or her  
13 license to include one or more such weapons or to cancel weapons held  
14 under license. [~~If granted, a~~] A record of the amendment describing the  
15 weapons involved shall be filed by the [~~licensing~~] filing officer in the  
16 executive department, division of state police, Albany. The superinten-  
17 dent of state police may authorize that such amendment be completed and  
18 transmitted to the state police in electronic form. Notification of any  
19 change of residence shall be made in writing by any licensee within ten  
20 days after such change occurs, and a record of such change shall be  
21 inscribed by such licensee on the reverse side of his or her license.  
22 Elsewhere than in the city of New York, and in the counties of Nassau  
23 and Suffolk, such notification shall be made to the executive depart-  
24 ment, division of state police, Albany, and in the city of New York to

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

LBD04687-01-3

1 the police commissioner of that city, and in the county of Nassau to the  
2 police commissioner of that county, and in the county of Suffolk to the  
3 [licensing] filing officer of that county, who shall, within ten days  
4 after such notification shall be received by him or her, give notice in  
5 writing of such change to the executive department, division of state  
6 police, at Albany.

7 10. License: expiration, certification and renewal. (a) Any license  
8 for gunsmith or dealer in firearms and, in the city of New York, any  
9 license to carry or possess a pistol or revolver, issued at any time  
10 pursuant to this section or prior to the first day of July, nineteen  
11 hundred sixty-three and not limited to expire on an earlier date fixed  
12 in the license, shall, except as otherwise provided in paragraph (d) of  
13 this subdivision, expire not more than three years after the date of  
14 issuance. In the counties of Nassau, Suffolk and Westchester, any  
15 license to carry or possess a pistol or revolver, issued at any time  
16 pursuant to this section or prior to the first day of July, nineteen  
17 hundred sixty-three and not limited to expire on an earlier date fixed  
18 in the license, shall expire not more than five years after the date of  
19 issuance; however, in the county of Westchester, any such license shall  
20 be certified prior to the first day of April, two thousand, in accord-  
21 ance with a schedule to be contained in regulations promulgated by the  
22 commissioner of the division of criminal justice services, and every  
23 such license shall, except as otherwise provided in paragraph (d) of  
24 this subdivision, be recertified every five years thereafter. For  
25 purposes of this section certification shall mean that the licensee  
26 shall provide to the [licensing] filing officer the following informa-  
27 tion only: current name, date of birth, current address, and the make,  
28 model, caliber and serial number of all firearms currently possessed.  
29 Such certification information shall be filed by the [licensing] filing  
30 officer in the same manner as an amendment. Elsewhere than in the city  
31 of New York and the counties of Nassau, Suffolk and Westchester, any  
32 license to carry or possess a pistol or revolver, issued at any time  
33 pursuant to this section or prior to the first day of July, nineteen  
34 hundred sixty-three and not previously revoked or cancelled, shall be in  
35 force and effect until revoked as herein provided. Any license not  
36 previously cancelled or revoked shall remain in full force and effect  
37 for thirty days beyond the stated expiration date on such license. Any  
38 application to renew a license that has not previously expired, been  
39 revoked or cancelled shall thereby extend the term of the license until  
40 disposition of the application by the [licensing] filing officer. In the  
41 case of a license for gunsmith or dealer in firearms, in counties having  
42 a population of less than two hundred thousand inhabitants, photographs  
43 and fingerprints shall be submitted on original applications and upon  
44 renewal thereafter at three year intervals. Upon satisfactory proof that  
45 a currently valid original license has been despoiled, lost or otherwise  
46 removed from the possession of the licensee and upon application  
47 containing an additional photograph of the licensee, the [licensing]  
48 filing officer shall issue a duplicate license.

49 (b) All licensees shall be recertified to the division of state police  
50 every five years thereafter, except as otherwise provided in paragraph  
51 (d) of this subdivision. Any license issued before the effective date of  
52 the chapter of the laws of two thousand thirteen which added this para-  
53 graph shall be recertified by the licensee on or before January thirty-  
54 first, two thousand eighteen, and not less than one year prior to such  
55 date, the state police shall send a notice to all license holders who  
56 have not recertified by such time. Such recertification shall be in a

1 form as approved by the superintendent of state police, which shall  
2 request the license holder's name, date of birth, gender, race, residen-  
3 tial address, social security number, firearms possessed by such license  
4 holder, email address at the option of the license holder and an affir-  
5 mation that such license holder is not prohibited from possessing  
6 firearms. The form may be in an electronic form if so designated by the  
7 superintendent of state police. Failure to recertify shall act as a  
8 revocation of such license. If the New York state police discover as a  
9 result of the recertification process that a licensee failed to provide  
10 a change of address, the New York state police shall not require the  
11 [licensing] filing officer to revoke such license.

12 (c) A license to purchase or take possession of a semiautomatic rifle  
13 as defined in subdivision two of this section shall be recertified to  
14 the applicable [licensing] filing officer every five years following the  
15 issuance of such license. Failure to renew such a license shall be a  
16 violation punishable by a fine not to exceed two hundred fifty dollars,  
17 and such failure to renew shall be considered by the [licensing] filing  
18 officer when reviewing future license applications by the license holder  
19 pursuant to this chapter.

20 (d) Licenses issued under paragraph (f) of subdivision two of this  
21 section shall be recertified or renewed in the same form and manner as  
22 otherwise required by this subdivision, provided however, that such  
23 licenses shall be recertified or renewed every three years following the  
24 issuance of such license. For licenses issued prior to the effective  
25 date of this paragraph that were issued more than three years prior to  
26 such date, or will expire in less than one year from such date shall be  
27 recertified or renewed within one year of such date.

28 13. Expenses. The expense of providing a [licensing] filing officer  
29 with blank applications, licenses and record books for carrying out the  
30 provisions of this section shall be a charge against the county, and in  
31 the city of New York against the city.

32 14. Fees. In the city of New York and the county of Nassau, the annual  
33 license fee shall be twenty-five dollars for gunsmiths and fifty dollars  
34 for dealers in firearms. In such city, the city council and in the coun-  
35 ty of Nassau the Board of Supervisors shall fix the fee to be charged  
36 for a license to carry or possess a pistol or revolver or to purchase or  
37 take possession of a semiautomatic rifle and provide for the disposition  
38 of such fees. Elsewhere in the state, the [licensing] filing officer  
39 shall collect and pay into the county treasury the following fees: for  
40 each license to carry or possess a pistol or revolver or to purchase or  
41 take possession of a semiautomatic rifle, not less than three dollars  
42 nor more than ten dollars as may be determined by the legislative body  
43 of the county; for each amendment thereto, three dollars, and five  
44 dollars in the county of Suffolk; and for each license issued to a  
45 gunsmith or dealer in firearms, ten dollars. The fee for a duplicate  
46 license shall be five dollars. The fee for processing a license transfer  
47 between counties shall be five dollars. The fee for processing a license  
48 or renewal thereof for a qualified retired police officer as defined  
49 under subdivision thirty-four of section 1.20 of the criminal procedure  
50 law, or a qualified retired sheriff, undersheriff, or deputy sheriff of  
51 the city of New York as defined under subdivision two of section 2.10 of  
52 the criminal procedure law, or a qualified retired bridge and tunnel  
53 officer, sergeant or lieutenant of the triborough bridge and tunnel  
54 authority as defined under subdivision twenty of section 2.10 of the  
55 criminal procedure law, or a qualified retired uniformed court officer  
56 in the unified court system, or a qualified retired court clerk in the

1 unified court system in the first and second judicial departments, as  
2 defined in paragraphs a and b of subdivision twenty-one of section 2.10  
3 of the criminal procedure law or a retired correction officer as defined  
4 in subdivision twenty-five of section 2.10 of the criminal procedure law  
5 shall be waived in all counties throughout the state.

6 § 3. This act shall take effect immediately.