

# STATE OF NEW YORK

138--A

2023-2024 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. RYAN, KAVANAGH, CHU, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law and the executive law, in relation to certifying instructors in small arms practice

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

1 Section 1. Subdivision 19 of section 265.00 of the penal law, as  
2 amended by chapter 371 of the laws of 2022, is amended to read as  
3 follows:

4 19. (a) "Duly authorized instructor" means [~~(a)~~] (i) a duly commis-  
5 sioned officer of the United States army, navy, marine corps or coast  
6 guard, or of the national guard of the state of New York; or [~~(b)~~] (ii)  
7 a duly qualified adult citizen of the United States who has been granted  
8 a certificate as an instructor in small arms practice issued by the  
9 United States army, navy or marine corps, or by the adjutant general of  
10 this state, [~~or by the division of criminal justice services,~~] or by the  
11 national rifle association of America, a not-for-profit corporation duly  
12 organized under the laws of this state; [~~(c)~~] (iii) by a person duly  
13 qualified and designated by the department of environmental conservation  
14 as its agent in the giving of instruction and the making of certifi-  
15 cations of qualification in responsible hunting practices; or [~~(d)~~]  
16 (iv) a New York state 4-H certified shooting sports instructor.

17 (b) Notwithstanding paragraph (a) of this subdivision, any certificate  
18 as an instructor in small arms practice issued to individuals pursuant  
19 to subparagraph (ii) of paragraph (a) of this subdivision shall be valid  
20 through December thirty-first, two thousand twenty-six. After such date,  
21 individuals certified as an instructor in small arms practice pursuant  
22 to subparagraph (ii) of paragraph (a) of this subdivision shall seek

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

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1 recertification subject to the standards and curriculum promulgated by  
2 the division of criminal justice services pursuant to subdivision twen-  
3 ty-three of section eight hundred thirty-seven of the executive law.

4 § 2. Subdivision 23 of section 837 of the executive law, as added by  
5 chapter 371 of the laws of 2022, is amended to read as follows:

6 23. (a) In conjunction with the superintendent of [~~the~~] state police,  
7 promulgate policies and procedures with regard to standardization of  
8 firearms safety training required under subdivision nineteen of section  
9 400.00 of the penal law, which shall include the approval of course  
10 materials and promulgation of proficiency standards for live fire train-  
11 ing; [~~and~~]

12 (b) In conjunction with the superintendent of state police, create an  
13 appeals board for the purpose of hearing appeals as provided in subdivi-  
14 sion four-a of section 400.00 of the penal law and promulgate rules and  
15 regulations governing such appeals[~~;~~]; and

16 (c) Promulgate minimum standards and create curricula for the certifi-  
17 cation of duly authorized instructors pursuant to section 265.00 of the  
18 penal law. The division shall promulgate any rules and regulations  
19 necessary for the implementation of this subdivision.

20 § 3. This act shall take effect immediately, provided, however, that  
21 the amendments to subdivision 19 of section 265.00 of the penal law  
22 made by section one of this act shall take effect on the same date and  
23 in the same manner as section 22 of chapter 371 of the laws of 2022,  
24 takes effect. Effective immediately, the addition, amendment and/or  
25 repeal of any rule or regulation necessary for the implementation of  
26 this act on its effective date are authorized to be made and completed  
27 on or before such effective date.