

STATE OF NEW YORK

1579

2023-2024 Regular Sessions

IN SENATE

January 12, 2023

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

AN ACT to amend the penal law, in relation to revocation or suspension of 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. Paragraph (a) of subdivision 11 of section 400.00 of the
2 penal law, as amended by chapter 371 of the laws of 2022, is amended to
3 read as follows:

4 (a) The conviction of a licensee anywhere of a felony or serious
5 offense or a licensee at any time becoming ineligible to obtain a
6 license, including engaging in conduct that would have resulted in the
7 denial of a license, under this section shall operate as or be grounds
8 for, a revocation of the license. A license may be revoked or suspended
9 as provided for in section 530.14 of the criminal procedure law or
10 section eight hundred forty-two-a of the family court act; provided that
11 a revocation or suspension of a license under such sections shall only
12 occur where a temporary order of protection or an order of protection
13 has been issued, or a temporary order of protection or an order of
14 protection has been willfully violated. Except for a license issued
15 pursuant to section 400.01 of this article, a license may be revoked and
16 cancelled at any time in the city of New York, and in the counties of
17 Nassau and Suffolk, by the licensing officer, and elsewhere than in the
18 city of New York by any judge or justice of a court of record; a license
19 issued pursuant to section 400.01 of this article may be revoked and
20 cancelled at any time by the licensing officer or any judge or justice
21 of a court of record. A license to engage in the business of dealer may
22 be revoked or suspended for any violation of the provisions of article
23 thirty-nine-BB of the general business law. The official revoking a
24 license shall give written notice thereof without unnecessary delay to
25 the executive department, division of state police, Albany, and shall

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

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1 also notify immediately the duly constituted police authorities of the
2 locality. The licensing officer shall revoke any license issued in which
3 an applicant knowingly made a material false statement on the applica-
4 tion. Notice of a revocation under this subdivision shall be issued in
5 writing and shall include the basis for the determination, which shall
6 be supported by a preponderance of the evidence. Such notice shall also
7 include information regarding the ability to appeal such decision in
8 accordance with subdivision four-a of this section.

9 § 2. This act shall take effect immediately.