

# STATE OF NEW YORK

2086--A

2023-2024 Regular Sessions

## IN SENATE

January 18, 2023

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to establishing a voluntary waiver of the right to purchase firearms, rifles, or shotguns

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

1 Section 1. The executive law is amended by adding a new section 221-e  
2 to read as follows:

3 § 221-e. Voluntary waiver of right to purchase firearms, rifles, or  
4 shotguns. 1. An individual may file a voluntary waiver of the right to  
5 purchase a firearm, rifle or shotgun with the division of state police,  
6 in a manner that shall be determined by the superintendent. Such indi-  
7 vidual shall then be prohibited from purchasing firearms, rifles and  
8 shotguns. The division of state police shall verify the individual's  
9 identity prior to accepting such form. The individual filing the waiver  
10 may provide an additional individual to be contacted if the waiver is  
11 revoked as set forth in subdivision three of this section.

12 2. The division of state police shall maintain statewide records of  
13 individuals who waive the right to purchase firearms, rifles or shotguns  
14 as set forth in subdivision one of this section and revocations of such  
15 waivers as set forth in subdivision three of this section. Such records  
16 shall be maintained for internal use in a manner determined by the  
17 superintendent. The division of state police shall enter each waiver  
18 into the national instant criminal background check system and any other  
19 federal or state computer-based systems used by law enforcement agencies  
20 or others to identify prohibited purchasers of firearms, rifles and  
21 shotguns within twenty-four hours of receipt of the waiver.

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

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1 3. An individual may file a revocation of the waiver with the division  
2 of state police in a form that shall be determined by the superinten-  
3 dent. The division of state police shall verify the individual's identi-  
4 ty prior to accepting such revocation. Twenty-one days after receiving  
5 the revocation, the division of state police shall remove the individual  
6 from the national instant criminal background check system and any other  
7 federal or state computer-based systems used by law enforcement agencies  
8 or others to identify prohibited purchasers of firearms, rifles and  
9 shotguns, to indicate that the individual is no longer a prohibited  
10 purchaser of firearms, rifles or shotguns due to the voluntary waiver.

11 4. A waiver pursuant to this section may not be required of an indi-  
12 vidual as a condition for receiving employment, benefits or services.

13 5. No records required by this section shall be subject to disclosure  
14 and shall be confidential with respect to all matters involving health  
15 care, employment, education, housing, insurance, government benefits,  
16 and contracting.

17 6. Any information about an individual that is contained in, or trans-  
18 mitted to, the division of state police shall not be used for any  
19 purpose other than to determine the eligibility of the individual to  
20 receive a firearm.

21 7. Any person who knowingly makes a false statement or representation  
22 regarding his or her identity when submitting a voluntary waiver of the  
23 right to purchase a firearm, rifle or shotgun shall be guilty of offer-  
24 ing a false instrument for filing in the second degree, as defined by  
25 section 175.30 of the penal law.

26 § 2. This act shall take effect on the ninetieth day after it shall  
27 have become a law.