

STATE OF NEW YORK

6649

2023-2024 Regular Sessions

IN SENATE

May 3, 2023

Introduced by Sen. GIANARIS -- 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 warnings to be posted and provided by firearms dealers

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

1 Section 1. Section 400.00 of the penal law is amended by adding a new
2 subdivision 20 to read as follows:

3 20. Firearms dealers; required warnings. (a) (i) Every person licensed
4 as a gunsmith or a dealer in firearms shall post the following notice at
5 the site where such weapons or firearms are sold, displayed or delivered
6 to the purchaser, at the entrance to the site and in at least one addi-
7 tional area where sales occur, conspicuously stating, in no smaller than
8 twenty-six-point type on a sign at least eight and one-half by eleven
9 inches in bold print:

WARNING

11 ACCESS TO A WEAPON OR FIREARM IN THE HOME SIGNIFICANTLY INCREASES THE
12 RISK OF SUICIDE, DEATH DURING DOMESTIC DISPUTES, AND/OR UNINTENTIONAL
13 DEATHS TO CHILDREN, HOUSEHOLD MEMBERS AND OTHERS.

14 IF YOU OR A LOVED ONE IS EXPERIENCING DISTRESS AND/OR DEPRESSION, CALL
15 THE NATIONAL SUICIDE PREVENTION LIFELINE AT 988.

16 (ii) Every firearms dealer shall distribute a notice to the purchaser
17 at the time of each individual sale of a weapon or firearm, conspicuous-
18 ly stating, in no smaller than twenty-six-point type and on paper at
19 least eight and one-half by eleven inches in bold print the following
20 warning:

WARNING

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

LBD01543-01-3

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3 DEATHS TO CHILDREN, HOUSEHOLD MEMBERS AND OTHERS.

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5 THE NATIONAL SUICIDE PREVENTION LIFELINE AT 988.

6 (iii) Upon the issuance of or amendment to a firearm or weapon license
7 and/or permit, the licensing officer shall provide the
8 licensee/permittee a written copy of a warning notice conspicuously
9 stating in no smaller than twenty-six-point type and on paper at least
10 eight and one-half by eleven inches in bold print the following warning:

11 WARNING

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13 RISK OF SUICIDE, DEATH DURING DOMESTIC DISPUTES, AND/OR UNINTENTIONAL
14 DEATHS TO CHILDREN, HOUSEHOLD MEMBERS AND OTHERS.

15 IF YOU OR A LOVED ONE IS EXPERIENCING DISTRESS AND/OR DEPRESSION, CALL
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17 (b) No licensing officer, local government, or any employee thereof
18 shall be liable to any person by reason of any injury or damage result-
19 ing from the failure of any gunsmith or firearms dealer to comply with
20 this subdivision or in consequence of any act or omission in connection
21 with the implementation or enforcement of this subdivision.

22 (c) (i) Failure to comply with any provision of this subdivision shall
23 be a violation punishable by imprisonment of not more than fifteen days
24 or by a fine of not more than one thousand dollars, or both. Each day
25 that a violation continues shall be deemed a separate offense.

26 (ii) The provisions of this subdivision shall be enforced within each
27 municipality by the applicable local police force, including town, city
28 and village police departments which officers are authorized to issue
29 appearance tickets. Appearance tickets shall be served personally.

30 (d) The provisions of this subdivision shall not supersede any local
31 law or ordinance that imposes stricter disclosure or notice require-
32 ments; and notices required by this subdivision shall be in addition to
33 any other notices required by any other federal, state or local law,
34 ordinance, rule or regulation.

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