STATE OF NEW YORK

7674

2023-2024 Regular Sessions

IN SENATE

September 29, 2023

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

AN ACT to amend the penal law, in relation to permitting certain licensed individuals to purchase or take possession of ammunition without requiring contacting the statewide license and record database

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

Section 1. The opening paragraph of subdivision 2 of section 400.02 of the penal law, as added by chapter 371 of the laws of 2022, is amended to read as follows:

There shall be a statewide license and record database specific for ammunition sales which shall be created and maintained by the division of state police the cost of which shall not be borne by any municipality no later than thirty days upon designating the division of state police as the point of contact to perform both firearm and ammunition background checks under federal and state law. Records assembled or collected for purposes of inclusion in such database shall not be subject to disclosure pursuant to article six of the public officers law. All records containing granted license applications from all licensing authorities shall be monthly checked by the division of criminal justice services in conjunction with the division of state police against criminal conviction, criminal indictments, mental health, extreme risk protection orders, orders of protection, and all other records as are necessary to determine their continued accuracy as well as whether an individual is no longer a valid license holder. The division of criminal justice services shall also check pending applications made pursuant to this article against such records to determine whether a license may be granted. All state and local agencies shall cooperate with the division of criminal justice services, as otherwise authorized by law, in making their records available for such checks. No later than thirty days after the superintendent of the state police certifies that

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

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the statewide license and record database established pursuant to this section and the statewide license and record database established for ammunition sales are operational for the purposes of this section, a dealer in firearms licensed pursuant to section 400.00 of this article, a seller of ammunition as defined in subdivision twenty-four of section 265.00 of this chapter shall not transfer any ammunition to any other person who is not a dealer in firearms as defined in subdivision nine of such section 265.00 or a seller of ammunition as defined in subdivision twenty-four of section 265.00 of this chapter**, is not licensed to carry or possess a pistol or revolver or to purchase or take possession of a semi-automatic rifle pursuant to section 400.00 of this article, or is not licensed to hunt wildlife pursuant to section 11-0701 of the environmental conservation law**, unless:

§ 2. The opening paragraph of subdivision 3 of section 400.03 of the penal law, as added by chapter 1 of the laws of 2013, is amended to read as follows:

No later than thirty days after the superintendent of the state police certifies that the statewide license and record database established pursuant to section 400.02 of this article is operational for the purposes of this section, a dealer in firearms licensed pursuant to section 400.00 of this article, a seller of ammunition as defined in subdivision twenty-four of section 265.00 of this chapter shall not transfer any ammunition to any other person who is not a dealer in firearms as defined in subdivision nine of such section 265.00 or a seller of ammunition as defined in subdivision twenty-four of section 265.00 of this chapter**, is not licensed to carry or possess a pistol or revolver or to purchase or take possession of a semi-automatic rifle pursuant to section 400.00 of this article, or is not licensed to hunt wildlife pursuant to section 11-0701 of the environmental conservation law**, unless:

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.