

# STATE OF NEW YORK

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7674

2023-2024 Regular Sessions

## IN SENATE

September 29, 2023

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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:

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

4 There shall be a statewide license and record database specific for  
5 ammunition sales which shall be created and maintained by the division  
6 of state police the cost of which shall not be borne by any municipality  
7 no later than thirty days upon designating the division of state police  
8 as the point of contact to perform both firearm and ammunition back-  
9 ground checks under federal and state law. Records assembled or  
10 collected for purposes of inclusion in such database shall not be  
11 subject to disclosure pursuant to article six of the public officers  
12 law. All records containing granted license applications from all  
13 licensing authorities shall be monthly checked by the division of crimi-  
14 nal justice services in conjunction with the division of state police  
15 against criminal conviction, criminal indictments, mental health,  
16 extreme risk protection orders, orders of protection, and all other  
17 records as are necessary to determine their continued accuracy as well  
18 as whether an individual is no longer a valid license holder. The divi-  
19 sion of criminal justice services shall also check pending applications  
20 made pursuant to this article against such records to determine whether  
21 a license may be granted. All state and local agencies shall cooperate  
22 with the division of criminal justice services, as otherwise authorized  
23 by law, in making their records available for such checks. No later than  
24 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.

LBD13301-01-3

1 the statewide license and record database established pursuant to this  
2 section and the statewide license and record database established for  
3 ammunition sales are operational for the purposes of this section, a  
4 dealer in firearms licensed pursuant to section 400.00 of this article,  
5 a seller of ammunition as defined in subdivision twenty-four of section  
6 265.00 of this chapter shall not transfer any ammunition to any other  
7 person who is not a dealer in firearms as defined in subdivision nine of  
8 such section 265.00 or a seller of ammunition as defined in subdivision  
9 twenty-four of section 265.00 of this chapter, is not licensed to carry  
10 or possess a pistol or revolver or to purchase or take possession of a  
11 semi-automatic rifle pursuant to section 400.00 of this article, or is  
12 not licensed to hunt wildlife pursuant to section 11-0701 of the envi-  
13 ronmental conservation law, unless:

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

17 No later than thirty days after the superintendent of the state police  
18 certifies that the statewide license and record database established  
19 pursuant to section 400.02 of this article is operational for the  
20 purposes of this section, a dealer in firearms licensed pursuant to  
21 section 400.00 of this article, a seller of ammunition as defined in  
22 subdivision twenty-four of section 265.00 of this chapter shall not  
23 transfer any ammunition to any other person who is not a dealer in  
24 firearms as defined in subdivision nine of such section 265.00 or a  
25 seller of ammunition as defined in subdivision twenty-four of section  
26 265.00 of this chapter, is not licensed to carry or possess a pistol or  
27 revolver or to purchase or take possession of a semi-automatic rifle  
28 pursuant to section 400.00 of this article, or is not licensed to hunt  
29 wildlife pursuant to section 11-0701 of the environmental conservation  
30 law, unless:

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