STATE OF NEW YORK

7802

2023-2024 Regular Sessions

IN SENATE

December 11, 2023

Introduced by Sen. KAVANAGH -- 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 defining personalized handguns; and to amend the executive law, in relation to requiring the division of criminal justice services to certify the technological viability of personalized handguns and to establish requirements related to the sale of personalized handguns

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

Section 1. This act shall be known and may be cited as the "safer weapons, safer homes act".

§ 2. Section 265.00 of the penal law is amended by adding two new subdivisions 36 and 37 to read as follows:

36. "Personalized handgun" means a pistol or revolver which incorporates within its design a permanent programmable feature as part of its manufacture that cannot be deactivated and renders the personalized handgun reasonably resistant to being fired except when activated by the lawful owner or other user authorized by the lawful owner. No make or model of a pistol or revolver shall be deemed to be a "personalized handgun" unless the division of criminal justice services has determined the personalized handgun meets the standards established pursuant to section eight hundred thirty-seven-y of the executive law.

37. "Authorized user" means the owner of a personalized handgun or a person to whom such owner has given consent to use the personalized handgun.

§ 3. The executive law is amended by adding a new section 837-y to read as follows:

§ 837-y. Personalized handguns; technological viability and requirements. 1. As used in this section, the terms "personalized handgun" and "authorized user" shall have the same meaning as defined in section 265.00 of the penal law.

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

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2. The division or a designee shall within one hundred eighty days of the effective date of this section:

(a) engage in and complete an investigation to certify the technological viability of personalized handguns; and

(b) certify or decline to certify that personalized handguns are technologically viable.

3. Following a certification by the division or a designee that personalized handguns are technologically viable, the division shall:

(a) within three hundred sixty-five days from the date of certification of the viability of such technology by the division or a designee pursuant to subdivision two of this section, establish performance standards, qualifying criteria and testing protocols applicable to the examination and verification of personalized handguns. Such performance standards shall include, but not be limited to, the following:

(i) the handgun shall be reasonably resistant to being fired by anyone other than the handgun's authorized user as defined in section 265.00 of the penal law;

(ii) the personalized technology shall be incorporated into the design of the personalized handgun and shall be a permanent, irremovable part of the handgun and any device or object necessary for the authorized user to fire the handgun;

(iii) the personalized handgun shall not be manufactured so as to permit the personalized characteristics of the handgun to be readily deactivated; and

(iv) the personalized handgun shall meet any other reliability standards generally used in the industry for other commercially available handguns; and

(b) within two years from the date of certification of the viability of such technology by the division or a designee pursuant to subdivision two of this section, establish and maintain a roster of all personalized handguns approved for retail sales to the public. Such roster shall be published on the division's website and shall be updated at least every six months. A copy of such roster shall be made available to registered and licensed firearms dealers in the state at least every six months.

4. The division shall report to the legislature on the technological viability of personalized handguns. The division shall report any findings to the legislature of any personalized handgun that is not viable and is unable to be certified.

5. The division shall promulgate any rule or regulation as may be necessary to carry out the provisions of this section.

§ 4. This act shall take effect immediately.