

STATE OF NEW YORK

10337

IN ASSEMBLY

February 20, 2026

Introduced by M. of A. MILLER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, the general business law and the executive law, in relation to licensing and other provisions relating to firearms; and to repeal certain provisions of the penal law, the executive law, the general business law, the state finance law and chapter 371 of the laws of 2022 amending the penal law and other laws relating to licensing and other provisions relating to firearms, relating thereto

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

1 Section 1. The section heading and subdivisions 1, 1-a, 1-b, 2, 4-a,
2 4-b, 4-c, 10 and 11 of section 400.00 of the penal law, as amended by
3 chapter 371 of the laws of 2022, subdivision 1 as separately amended by
4 chapter 669 of the laws of 2022, are amended to read as follows:

5 [~~Licensing and other provisions relating to~~] Licenses to carry, possess,
6 repair and dispose of firearms.

7 1. Eligibility. No license shall be issued or renewed pursuant to this
8 section except by the licensing officer, and then only after investi-
9 gation and finding that all statements in a proper application for a
10 license are true. No license shall be issued or renewed except for an
11 applicant (a) twenty-one years of age or older, provided, however, that
12 where such applicant has been honorably discharged from the United
13 States army, navy, marine corps, air force or coast guard, or the
14 national guard of the state of New York, no such age restriction shall
15 apply; (b) of good moral character[~~, which, for the purposes of this~~
16 ~~article, shall mean having the essential character, temperament and~~
17 ~~judgement necessary to be entrusted with a weapon and to use it only in~~
18 ~~a manner that does not endanger oneself or others~~]; (c) who has not been
19 convicted anywhere of a felony or a serious offense or who is not the
20 subject of an outstanding warrant of arrest issued upon the alleged
21 commission of a felony or serious offense; (d) who is not a fugitive
22 from justice; (e) who is not an unlawful user of or addicted to any
23 controlled substance as defined in section 21 U.S.C. 802; (f) who being

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

LBD06780-01-5

1 a noncitizen (i) is not illegally or unlawfully in the United States or
2 (ii) has not been admitted to the United States under a nonimmigrant
3 visa subject to the exception in 18 U.S.C. 922(y)(2); (g) who has not
4 been discharged from the Armed Forces under dishonorable conditions; (h)
5 who, having been a citizen of the United States, has not renounced [~~his~~
6 ~~or her~~] their citizenship; (i) who has stated whether [~~he or she has~~]
7 they have ever suffered any mental illness; (j) who has not been invol-
8 untarily committed to a facility under the jurisdiction of an office of
9 the department of mental hygiene pursuant to article nine or fifteen of
10 the mental hygiene law, article seven hundred thirty or section 330.20
11 of the criminal procedure law [~~or substantially similar laws of any~~
12 ~~other state~~], section four hundred two or five hundred eight of the
13 correction law, section 322.2 or 353.4 of the family court act, has not
14 been civilly confined in a secure treatment facility pursuant to article
15 ten of the mental hygiene law, or has not been the subject of a report
16 made pursuant to section 9.46 of the mental hygiene law; (k) who has not
17 had a license revoked or who is not under a suspension or ineligibility
18 order issued pursuant to the provisions of section 530.14 of the crimi-
19 nal procedure law or section eight hundred forty-two-a of the family
20 court act; (l) in the county of Westchester, who has successfully
21 completed a firearms safety course and test as evidenced by a certifi-
22 cate of completion issued in [~~his or her~~] their name and endorsed and
23 affirmed under the penalties of perjury by a duly authorized instructor,
24 except that: (i) persons who are honorably discharged from the United
25 States army, navy, marine corps or coast guard, or of the national guard
26 of the state of New York, and produce evidence of official qualification
27 in firearms during the term of service are not required to have
28 completed those hours of a firearms safety course pertaining to the safe
29 use, carrying, possession, maintenance and storage of a firearm; and
30 (ii) persons who were licensed to possess a pistol or revolver prior to
31 the effective date of this paragraph are not required to have completed
32 a firearms safety course and test[, ~~provided, however, persons with a~~
33 ~~license issued under paragraph (f) of subdivision two of this section~~
34 ~~prior to the effective date of the laws of two thousand twenty-two which~~
35 ~~amended this paragraph shall be required to complete the training~~
36 ~~required by subdivision nineteen of this section prior to the recertif-~~
37 ~~ication of such license, and (iii) persons applying for a license under~~
38 ~~paragraph (f) of subdivision two of this section on or after the effec-~~
39 ~~tive date of the chapter of the laws of two thousand twenty-two which~~
40 ~~amended this paragraph who shall be required to complete the training~~
41 ~~required under subdivision nineteen of this section for such license,]42 (m) who has not had a guardian appointed for [~~him or her~~] them pursuant
43 to any provision of state law, based on a determination that as a result
44 of marked subnormal intelligence, mental illness, [~~incompetency,~~] inca-
45 pacity, condition or disease, [~~he or she lacks~~] they lack the mental
46 capacity to contract or manage [~~his or her~~] their own affairs; [~~(n) for~~
47 ~~a license issued under paragraph (f) of subdivision two of this section,~~
48 ~~that the applicant has not been convicted within five years of the date~~
49 ~~of the application of any of the following: (i) assault in the third~~
50 ~~degree, as defined in section 120.00 of this chapter; (ii) misdemeanor~~
51 ~~driving while intoxicated, as defined in section eleven hundred ninety-~~
52 ~~two of the vehicle and traffic law; or (iii) menacing, as defined in~~
53 ~~section 120.15 of this chapter; and (o) for a license issued under para-~~
54 ~~graph (f) of subdivision two of this section, the applicant shall meet~~
55 ~~in person with the licensing officer for an interview and shall, in~~
56 ~~addition to any other information or forms required by the license~~~~

1 ~~application submit to the licensing officer the following information:~~
2 ~~(i) names and contact information for the applicant's current spouse, or~~
3 ~~domestic partner, any other adults residing in the applicant's home,~~
4 ~~including any adult children of the applicant, and whether or not there~~
5 ~~are minors residing, full time or part time, in the applicant's home;~~
6 ~~(ii) names and contact information of no less than four character refer-~~
7 ~~ences who can attest to the applicant's good moral character and that~~
8 ~~such applicant has not engaged in any acts, or made any statements that~~
9 ~~suggest they are likely to engage in conduct that would result in harm~~
10 ~~to themselves or others; (iii) certification of completion of the train-~~
11 ~~ing required in subdivision nineteen of this section; (iv) a list of~~
12 ~~former and current social media accounts of the applicant from the past~~
13 ~~three years to confirm the information regarding the applicants charac-~~
14 ~~ter and conduct as required in subparagraph (ii) of this paragraph; and~~
15 ~~(v) such other information required by the licensing officer that is~~
16 ~~reasonably necessary and related to the review of the licensing applica-~~
17 ~~tion] and (n) concerning whom no good cause exists for the denial of the~~
18 license.

19 [1-a.] No person shall engage in the business of gunsmith or dealer in
20 firearms unless licensed pursuant to this section. An applicant to
21 engage in such business shall also be a citizen of the United States,
22 more than twenty-one years of age and [~~shall be required~~] to maintain a
23 place of business in the city or county where the license is issued. For
24 such business, if the applicant is a firm or partnership, each member
25 thereof shall comply with all of the requirements set forth in this
26 subdivision and if the applicant is a corporation, each officer thereof
27 shall so comply.

28 [~~1-b.~~] 1-a. For purposes of subdivision one of this section, serious
29 offense shall include an offense in any jurisdiction or the former penal
30 law that includes all of the essential elements of a serious offense as
31 defined by subdivision seventeen of section 265.00 of this chapter.
32 Nothing in this subdivision shall preclude the denial of a license based
33 on the commission of, arrest for or conviction of an offense in any
34 other jurisdiction which does not include all of the essential elements
35 of a serious offense.

36 2. Types of licenses. A license for gunsmith or dealer in firearms
37 shall be issued to engage in such business. A license for a semiautomat-
38 ic rifle, other than an assault weapon or disguised gun, shall be issued
39 to purchase or take possession of such a [~~semiautomatic rifle~~] firearm
40 when such transfer of ownership occurs on or after the effective date of
41 chapter [~~two hundred twelve~~] three hundred seventy-one of the laws of
42 two thousand twenty-two that amended this subdivision. A license for a
43 pistol or revolver, other than an assault weapon or a disguised gun,
44 shall be issued to (a) have and possess in [~~his~~] their dwelling by a
45 householder; (b) have and possess in [~~his~~] their place of business by a
46 merchant or storekeeper; (c) have and carry concealed while so employed
47 by a messenger employed by a banking institution or express company; (d)
48 have and carry concealed by a justice of the supreme court in the first
49 or second judicial departments, or by a judge of the New York city civil
50 court or the New York city criminal court; (e) have and carry concealed
51 while so employed by a regular employee of an institution of the state,
52 or of any county, city, town or village, under control of a commissioner
53 of correction of the city or any warden, superintendent or head keeper
54 of any state prison, penitentiary, workhouse, county jail or other
55 institution for the detention of persons convicted or accused of crime
56 or held as witnesses in criminal cases, provided that application is

1 made therefor by such commissioner, warden, superintendent or head keep-
2 er; (f) have and carry concealed, without regard to employment or place
3 of possession [~~subject to the restrictions of state and federal law~~], by
4 any person when proper cause exists for the issuance thereof; and (g)
5 have, possess, collect and carry antique pistols which are defined as
6 follows: (i) any single shot, muzzle loading pistol with a matchlock,
7 flintlock, percussion cap, or similar type of ignition system manufac-
8 tured in or before 1898, which is not designed for using rimfire or
9 conventional centerfire fixed ammunition; and (ii) any replica of any
10 pistol described in clause (i) hereof if such replica[+]:

11 (1) is not designed or redesigned for using rimfire or conventional
12 centerfire fixed ammunition, or

13 (2) uses rimfire or conventional centerfire fixed ammunition which is
14 no longer manufactured in the United States and which is not readily
15 available in the ordinary channels of commercial trade.

16 4-a. [~~Appeals from denial of an application, renewal, recertification
17 or license revocation. If an application for a license is denied, not
18 renewed, not recertified, or revoked, the licensing officer shall issue
19 a written notice to the applicant setting forth the reasons for such
20 denial. An applicant may, within ninety days of receipt of such notice,
21 request a hearing to appeal the denial to the appeals board created by
22 the division of criminal justice services and the superintendent of
23 state police. An individual may be represented by counsel at any appear-
24 ance before the appeals board and shall be afforded an opportunity to
25 present additional evidence in support of their application. The commis-
26 sioner of criminal justice services and the superintendent of state
27 police shall promulgate rules and regulations governing such appeals
28 process.~~

29 4-b.] Processing of license applications. Applications for licenses
30 shall be accepted for processing by the licensing officer at the time of
31 presentment. Except upon written notice to the applicant specifically
32 stating the reasons for any delay, in each case the licensing officer
33 shall act upon any application for a license pursuant to this section
34 within six months of the date of presentment of such an application to
35 the appropriate authority. Such delay may only be for good cause and
36 with respect to the applicant. In acting upon an application, the
37 licensing officer shall either deny the application for reasons specif-
38 ically and concisely stated in writing or grant the application and
39 issue the license applied for.

40 [4-a.] 4-b. Westchester county firearms safety course certificate. In
41 the county of Westchester, at the time of application, the licensing
42 officer to which the license application is made shall provide a copy of
43 the safety course booklet to each license applicant. Before such license
44 is issued, such licensing officer shall require that the applicant
45 submit a certificate of successful completion of a firearms safety
46 course and test issued in [~~his or her~~] their name and endorsed and
47 affirmed under the penalties of perjury by a duly authorized instructor.

48 10. License: expiration, certification and renewal. (a) Any license
49 for gunsmith or dealer in firearms and, in the city of New York, any
50 license to carry or possess a pistol or revolver, issued at any time
51 pursuant to this section or prior to the first day of July, nineteen
52 hundred sixty-three and not limited to expire on an earlier date fixed
53 in the license, shall[~~, except as otherwise provided in paragraph (d) of
54 this subdivision,~~] expire not more than three years after the date of
55 issuance. In the counties of Nassau, Suffolk and Westchester, any
56 license to carry or possess a pistol or revolver, issued at any time

1 pursuant to this section or prior to the first day of July, nineteen
2 hundred sixty-three and not limited to expire on an earlier date fixed
3 in the license, shall expire not more than five years after the date of
4 issuance; however, in the county of Westchester, any such license shall
5 be certified prior to the first day of April, two thousand, in accord-
6 ance with a schedule to be contained in regulations promulgated by the
7 commissioner of the division of criminal justice services, and every
8 such license shall [~~except as otherwise provided in paragraph (d) of~~
9 ~~this subdivision,~~] be recertified every five years thereafter. For
10 purposes of this section certification shall mean that the licensee
11 shall provide to the licensing officer the following information only:
12 current name, date of birth, current address, and the make, model, cali-
13 ber and serial number of all firearms currently possessed. Such certif-
14 ication information shall be filed by the licensing officer in the same
15 manner as an amendment. Elsewhere than in the city of New York and the
16 counties of Nassau, Suffolk and Westchester, any license to carry or
17 possess a pistol or revolver, issued at any time pursuant to this
18 section or prior to the first day of July, nineteen hundred sixty-three
19 and not previously revoked or cancelled, shall be in force and effect
20 until revoked as herein provided. Any license not previously cancelled
21 or revoked shall remain in full force and effect for thirty days beyond
22 the stated expiration date on such license. Any application to renew a
23 license that has not previously expired, been revoked or cancelled shall
24 thereby extend the term of the license until disposition of the applica-
25 tion by the licensing officer. In the case of a license for gunsmith or
26 dealer in firearms, in counties having a population of less than two
27 hundred thousand inhabitants, photographs and fingerprints shall be
28 submitted on original applications and upon renewal thereafter only at
29 [~~three~~] six year intervals. Upon satisfactory proof that a currently
30 valid original license has been despoiled, lost or otherwise removed
31 from the possession of the licensee and upon application containing an
32 additional photograph of the licensee, the licensing officer shall issue
33 a duplicate license.

34 (b) All licensees shall be recertified to the division of state police
35 every five years thereafter [~~except as otherwise provided in paragraph~~
36 ~~(d) of this subdivision~~]. Any license issued before the effective date
37 of the chapter of the laws of two thousand thirteen which added this
38 paragraph shall be recertified by the licensee on or before January
39 thirty-first, two thousand eighteen, and not less than one year prior to
40 such date, the state police shall send a notice to all license holders
41 who have not recertified by such time. Such recertification shall be in
42 a form as approved by the superintendent of state police, which shall
43 request the license holder's name, date of birth, gender, race, residen-
44 tial address, social security number, firearms possessed by such license
45 holder, email address at the option of the license holder and an affir-
46 mation that such license holder is not prohibited from possessing
47 firearms. The form may be in an electronic form if so designated by the
48 superintendent of state police. Failure to recertify shall act as a
49 revocation of such license. If the New York state police discover as a
50 result of the recertification process that a licensee failed to provide
51 a change of address, the New York state police shall not require the
52 licensing officer to revoke such license.

53 (c) A license to purchase or take possession of a semiautomatic rifle
54 as defined in subdivision two of this section shall be recertified to
55 the applicable licensing officer every five years following the issuance
56 of such license. Failure to renew such a license shall be a violation

1 punishable by a fine not to exceed two hundred fifty dollars, and such
2 failure to renew shall be considered by the licensing officer when
3 reviewing future license applications by the license holder pursuant to
4 this chapter.

5 ~~[(d) Licenses issued under paragraph (f) of subdivision two of this
6 section shall be recertified or renewed in the same form and manner as
7 otherwise required by this subdivision, provided however, that such
8 licenses shall be recertified or renewed every three years following the
9 issuance of such license. For licenses issued prior to the effective
10 date of this paragraph that were issued more than three years prior to
11 such date, or will expire in less than one year from such date shall be
12 recertified or renewed within one year of such date.]~~

13 11. License: revocation and suspension. (a) The conviction of a licen-
14 see anywhere of a felony or serious offense or a licensee at any time
15 becoming ineligible to obtain a license~~[, including engaging in conduct
16 that would have resulted in the denial of a license, under this section
17 shall operate as or be grounds for,]~~ under this section shall operate as
18 a revocation of the license. A license may be revoked or suspended as
19 provided for in section 530.14 of the criminal procedure law or section
20 eight hundred forty-two-a of the family court act. Except for a license
21 issued pursuant to section 400.01 of this article, a license may be
22 revoked and cancelled at any time in the city of New York, and in the
23 counties of Nassau and Suffolk, by the licensing officer, and elsewhere
24 than in the city of New York by any judge or justice of a court of
25 record; a license issued pursuant to section 400.01 of this article may
26 be revoked and cancelled at any time by the licensing officer or any
27 judge or justice of a court of record. A license to engage in the busi-
28 ness of dealer may be revoked or suspended for any violation of the
29 provisions of article thirty-nine-BB of the general business law. The
30 official revoking a license shall give written notice thereof without
31 unnecessary delay to the executive department, division of state police,
32 Albany, and shall also notify immediately the duly constituted police
33 authorities of the locality. ~~[The licensing officer shall revoke any
34 license issued in which an applicant knowingly made a material false
35 statement on the application. Notice of a revocation under this subdivi-
36 sion shall be issued in writing and shall include the basis for the
37 determination, which shall be supported by a preponderance of the
38 evidence. Such notice shall also include information regarding the abil-
39 ity to appeal such decision in accordance with subdivision four-a of
40 this section.]~~

41 (b) Whenever the director of community services or ~~[his or her]~~ their
42 designee makes a report pursuant to section 9.46 of the mental hygiene
43 law, the division of criminal justice services shall convey such infor-
44 mation, whenever it determines that the person named in the report
45 possesses a license issued pursuant to this section, to the appropriate
46 licensing official, who shall issue an order suspending or revoking such
47 license.

48 (c) In any instance in which a person's license is suspended or
49 revoked under paragraph (a) or (b) of this subdivision, such person
50 shall surrender such license to the appropriate licensing official and
51 any and all firearms, rifles, or shotguns owned or possessed by such
52 person shall be surrendered to an appropriate law enforcement agency as
53 provided in subparagraph (f) of paragraph one of subdivision a of
54 section 265.20 of this chapter. In the event such license, firearm,
55 shotgun, or rifle is not surrendered, such items shall be removed and
56 declared a nuisance and any police officer or peace officer acting

1 pursuant to [~~his or her~~] their special duties is authorized to remove
2 any and all such weapons.

3 § 2. Subdivision 23 of section 837 of the executive law is REPEALED.

4 § 3. Section 235 of the executive law is REPEALED.

5 § 4. Section 265.01-e of the penal law is REPEALED.

6 § 5. Section 265.01-d of the penal law is REPEALED.

7 § 6. Paragraph 3-a of subdivision a of section 265.20 of the penal law
8 is REPEALED.

9 § 7. Section 400.02 of the penal law, as amended by chapter 371 of the
10 laws of 2022, is amended to read as follows:

11 § 400.02 Statewide license and record database.

12 [~~1.~~] There shall be a statewide license and record database which
13 shall be created and maintained by the division of state police the cost
14 of which shall not be borne by any municipality. Records assembled or
15 collected for purposes of inclusion in such database shall not be
16 subject to disclosure pursuant to article six of the public officers
17 law. [~~All records~~] Records containing granted license applications [~~from~~
18 ~~all licensing authorities~~] shall be [~~monthly~~] periodically checked by
19 the division of criminal justice services [~~in conjunction with the divi-~~
20 ~~sion of state police~~] against criminal conviction, [~~criminal indict-~~
21 ~~ment,~~] mental health, [~~extreme risk protection orders, orders of~~
22 ~~protection,~~] and all other records as are necessary to determine their
23 continued accuracy as well as whether an individual is no longer a valid
24 license holder. The division of criminal justice services shall also
25 check pending applications made pursuant to this article against such
26 records to determine whether a license may be granted. All state [~~and~~
27 ~~local~~] agencies shall cooperate with the division of criminal justice
28 services, as otherwise authorized by law, in making their records avail-
29 able for such checks. The division of criminal justice services, upon
30 determining that an individual is ineligible to possess a license, or is
31 no longer a valid license holder, shall notify the applicable licensing
32 official of such determination and such licensing official shall not
33 issue a license or [~~shall~~] revoke such license and any weapons owned or
34 possessed by such individual shall be removed consistent with the
35 provisions of subdivision eleven of section 400.00 of this article.
36 Local and state law enforcement shall have access to such database in
37 the performance of their duties. Records assembled or collected for
38 purposes of inclusion in the database established by this section shall
39 be released pursuant to a court order.

40 [~~2. There shall be a statewide license and record database specific~~
41 ~~for ammunition sales which shall be created and maintained by the divi-~~
42 ~~sion of state police the cost of which shall not be borne by any munici-~~
43 ~~pality no later than thirty days upon designating the division of state~~
44 ~~police as the point of contact to perform both firearm and ammunition~~
45 ~~background checks under federal and state law. Records assembled or~~
46 ~~collected for purposes of inclusion in such database shall not be~~
47 ~~subject to disclosure pursuant to article six of the public officers~~
48 ~~law. All records containing granted license applications from all~~
49 ~~licensing authorities shall be monthly checked by the division of crimi-~~
50 ~~nal justice services in conjunction with the division of state police~~
51 ~~against criminal conviction, criminal indictments, mental health,~~
52 ~~extreme risk protection orders, orders of protection, and all other~~
53 ~~records as are necessary to determine their continued accuracy as well~~
54 ~~as whether an individual is no longer a valid license holder. The divi-~~
55 ~~sion of criminal justice services shall also check pending applications~~
56 ~~made pursuant to this article against such records to determine whether~~

~~1 a license may be granted. All state and local agencies shall cooperate
2 with the division of criminal justice services, as otherwise authorized
3 by law, in making their records available for such checks. No later than
4 thirty days after the superintendent of the state police certifies that
5 the statewide license and record database established pursuant to this
6 section and the statewide license and record database established for
7 ammunition sales are operational for the purposes of this section, a
8 dealer in firearms licensed pursuant to section 400.00 of this article,
9 a seller of ammunition as defined in subdivision twenty-four of section
10 265.00 of this chapter shall not transfer any ammunition to any other
11 person who is not a dealer in firearms as defined in subdivision nine of
12 such section 265.00 or a seller of ammunition as defined in subdivision
13 twenty-four of section 265.00 of this chapter, unless:~~

~~14 (a) before the completion of the transfer, the licensee or seller
15 contacts the statewide license and record database and provides the
16 database with information sufficient to identify such dealer or seller
17 transferee based on information on the transferee's identification docu-
18 ment as defined in paragraph (c) of this subdivision, as well as the
19 amount, caliber, manufacturer's name and serial number, if any, of such
20 ammunition;~~

~~21 (b) the licensee or seller is provided with a unique identification
22 number; and~~

~~23 (c) the transferor has verified the identity of the transferee by
24 examining a valid state identification document of the transferee issued
25 by the department of motor vehicles or if the transferee is not a resi-
26 dent of the state of New York, a valid identification document issued by
27 the transferee's state or country of residence containing a photograph
28 of the transferee.]~~

§ 8. Subdivisions 2 and 6 of section 400.03 of the penal law, as amended by section 8 of chapter 371 of the laws of 2022, are amended to read as follows:

2. Any seller of ammunition or dealer in firearms shall keep [~~either
33 an electronic record, or dataset, or an organized collection of struc-
34 tured information, or data, typically stored electronically in a comput-
35 er system~~] a record book approved as to form by the superintendent of
36 state police. In the record book shall be entered at the time of every
37 transaction involving ammunition the date, name, age, occupation and
38 residence of any person from whom ammunition is received or to whom
39 ammunition is delivered, and the amount, calibre, manufacturer's name
40 and serial number, or if none, any other distinguishing number or iden-
41 tification mark on such ammunition. The record book shall be maintained
42 on the premises mentioned and described in the license and shall be open
43 at all reasonable hours for inspection by any peace officer, acting
44 pursuant to their special duties, or police officer. Any record produced
45 pursuant to this section and any transmission thereof to any government
46 agency shall not be considered a public record for purposes of article
47 six of the public officers law.

6. If the superintendent of state police certifies that background checks of ammunition purchasers may be conducted through the national instant criminal background check system [~~or through the division of state police once the division has been designated point of contact~~], use of that system by a dealer or seller shall be sufficient to satisfy subdivisions four and five of this section and such checks shall be conducted through such system, provided that a record of such transaction shall be forwarded to the state police in a form determined by the superintendent.

1 § 9. Section 265.45 of the penal law, as amended by chapter 371 of the
2 laws of 2022, subdivision 2 as amended by section 3 of part F of chapter
3 55 of the laws of 2023, is amended to read as follows:

4 § 265.45 Failure to safely store rifles, shotguns, and firearms in the
5 first degree.

6 ~~[1.]~~ No person who owns or is custodian of a rifle, shotgun or firearm
7 who resides with an individual who: (i) is under [~~eighteen~~] sixteen
8 years of age; (ii) such person knows or has reason to know is prohibited
9 from possessing a rifle, shotgun or firearm pursuant to a temporary or
10 final extreme risk protection order issued under article sixty-three-A
11 of the civil practice law and rules or 18 U.S.C. § 922(g) (1), (4), (8)
12 or (9); or (iii) such person knows or has reason to know is prohibited
13 from possessing a rifle, shotgun or firearm based on a conviction for a
14 felony or a serious offense, shall store or otherwise leave such rifle,
15 shotgun or firearm out of [~~his or her~~] their immediate possession or
16 control without having first securely locked such rifle, shotgun or
17 firearm in an appropriate safe storage depository or rendered it incapa-
18 ble of being fired by use of a gun locking device appropriate to that
19 weapon.

20 ~~[2. No person shall store or otherwise leave a rifle, shotgun, or~~
21 ~~firearm out of such person's immediate possession or control inside a~~
22 ~~vehicle without first removing the ammunition from and securely locking~~
23 ~~such rifle, shotgun, or firearm in an appropriate safe storage deposito-~~
24 ~~ry out of sight from outside of the vehicle; provided, however, this~~
25 ~~subdivision shall not apply to a police officer as such term is defined~~
26 ~~in subdivision thirty-four of section 1.20 of the criminal procedure~~
27 ~~law, a qualified law enforcement officer authorized to carry concealed~~
28 ~~firearms pursuant to 18 U.S.C. 926B, or a person in the military service~~
29 ~~of the United States or the state of New York when such police officer,~~
30 ~~qualified law enforcement officer, or person in such military service is~~
31 ~~acting in the course of such person's official duty or employment and~~
32 ~~otherwise complying with any applicable standards or requirements~~
33 ~~pertaining to the storage of such rifle, shotgun, or firearm.~~

34 ~~3.]~~ For purposes of this section "safe storage depository" shall mean
35 a safe or other secure container which, when locked, is incapable of
36 being opened without the key, [~~keypad,~~] combination or other unlocking
37 mechanism and is capable of preventing an unauthorized person from
38 obtaining access to and possession of the weapon contained therein [~~and~~
39 ~~shall be fire, impact, and tamper resistant~~]. Nothing in this section
40 shall be deemed to affect, impair or supersede any special or local act
41 relating to the safe storage of rifles, shotguns or firearms which
42 impose additional requirements on the owner or custodian of such weap-
43 ons. [~~For the purposes of subdivision two of this section, a glove~~
44 ~~compartment or glove box shall not be considered an appropriate safe~~
45 ~~storage depository.~~

46 ~~4.]~~ It shall not be a violation of this section to allow a person less
47 than [~~eighteen~~] sixteen years of age access to: (i) a firearm, rifle or
48 shotgun for lawful use as authorized under paragraph seven or seven-e of
49 subdivision a of section 265.20 of this article, or (ii) a rifle or
50 shotgun for lawful use as authorized by article eleven of the environ-
51 mental conservation law when such person less than [~~eighteen~~] sixteen
52 years of age is the holder of a hunting license or permit and such rifle
53 or shotgun is used in accordance with such law.

54 Failure to safely store rifles, shotguns, and firearms in the first
55 degree is a class A misdemeanor.

56 § 10. Section 400.30 of the penal law is REPEALED.

1 § 11. Section 270.20 of the penal law, as amended by chapter 371 of
2 the laws of 2022, is amended to read as follows:

3 § 270.20 Unlawful wearing of a body [~~armor~~] vest.

4 1. A person is guilty of the unlawful wearing of a body [~~armor~~] vest
5 when acting either alone or with one or more other persons [~~he~~] such
6 person commits any violent felony offense defined in section 70.02 while
7 possessing a firearm, rifle or shotgun and in the course of and in the
8 furtherance of such crime [~~he or she wears~~] they wear a body [~~armor~~]
9 vest.

10 2. For the purposes of this section a "body [~~armor~~] vest" means [~~any~~
11 ~~product that is a personal protective body covering intended to protect~~
12 ~~against gunfire, regardless of whether such product is to be worn alone~~
13 ~~or is sold as a complement to another product or garment~~] a bullet-re-
14 sistant soft body armor providing, as a minimum standard, the level of
15 protection known as threat level I which shall mean at least seven
16 layers of bullet-resistant material providing protection from three
17 shots of one hundred fifty-eight grain lead ammunition fired from a .38
18 calibre handgun at a velocity of eight hundred fifty feet per second.

19 The unlawful wearing of a body [~~armor~~] vest is a class E felony.

20 § 12. Section 270.21 of the penal law, as amended by chapter 371 of
21 the laws of 2022, is amended to read as follows:

22 § 270.21 Unlawful purchase of a body [~~armor~~] vest.

23 A person is guilty of the unlawful purchase of a body [~~armor~~] vest
24 when, not being engaged or employed in an eligible profession, they
25 knowingly purchase or take possession of a body [~~armor~~] vest, as such
26 term is defined in subdivision two of section 270.20 of this article.
27 This section shall not apply to individuals or entities engaged or
28 employed in eligible professions, which shall include police officers as
29 defined in section 1.20 of the criminal procedure law, peace officers as
30 defined in section 2.10 of the criminal procedure law, persons in mili-
31 tary service in the state of New York or military or other service for
32 the United States, and such other professions designated by the depart-
33 ment of state in accordance with section one hundred forty-four-a of the
34 executive law.

35 Unlawful purchase of a body [~~armor~~] vest is a class A misdemeanor for
36 a first offense and a class E felony for any subsequent offense.

37 § 13. Section 270.22 of the penal law, as amended by chapter 371 of
38 the laws of 2022, is amended to read as follows:

39 § 270.22 Unlawful sale of a body [~~armor~~] vest.

40 A person is guilty of the unlawful sale of a body [~~armor~~] vest when
41 they sell, exchange, give or dispose of a body [~~armor~~] vest, as such
42 term is defined in subdivision two of section 270.20 of this article, to
43 an individual whom they know or reasonably should have known is not
44 engaged or employed in an eligible profession, as such term is defined
45 in section 270.21 of this article.

46 Unlawful sale of a body [~~armor~~] vest is a class A misdemeanor for the
47 first offense and a class E felony for any subsequent offense.

48 § 14. Section 396-eee of the general business law, as amended by chap-
49 ter 371 of the laws of 2022, is amended to read as follows:

50 § 396-eee. Unlawful sale or delivery of body [~~armor~~] vests. 1. No
51 person, firm or corporation shall sell or deliver body [~~armor~~] vests to
52 any individual or entity not engaged or employed in an eligible profes-
53 sion, and except as provided in subdivision [~~two~~] three of this section,
54 no such sale or delivery shall be permitted unless the transferee meets
55 in person with the transferor to accomplish such sale or delivery.

1 2. The provisions of subdivision one of this section regarding in
2 person sale or delivery shall not apply to purchases made by [~~federal,~~
3 state~~7~~] or local government agencies for the purpose of furnishing such
4 body [~~armor~~] vests to employees in eligible professions.

5 3. For the purposes of this section, "body [~~armor~~] vest" shall have
6 the same meaning as defined in subdivision two of section 270.20 of the
7 penal law.

8 4. Any person, firm or corporation that violate the provisions of this
9 section shall be guilty of a violation punishable by a fine in an amount
10 not to exceed five thousand dollars for the first offense and in an
11 amount not to exceed ten thousand dollars for any subsequent offense.

12 § 15. Section 144-a of the executive law, as amended by chapter 371 of
13 the laws of 2022, is amended to read as follows:

14 § 144-a. Eligible professions for the purchase, sale, and use of body
15 [~~armor~~] vests. The secretary of state in consultation with the division
16 of criminal justice services, the division of homeland security and
17 emergency services, the department of corrections and community super-
18 vision, the division of the state police, and the office of general
19 services shall promulgate rules and regulations to establish criteria
20 for eligible professions requiring the use of a body [~~armor~~] vest, as
21 such term is defined in subdivision two of section 270.20 of the penal
22 law. Such professions shall include those in which the duties may expose
23 the individual to serious physical injury that may be prevented or miti-
24 gated by the wearing of a body [~~armor~~] vest. Such rules and regulations
25 shall also include a process by which an individual or entity may
26 request that the profession in which they engage be added to the list of
27 eligible professions, a process by which the department shall approve
28 such professions, and a process by which individuals and entities may
29 present proof of engagement in eligible professions when purchasing a
30 body [~~armor~~] vest.

31 § 16. Section 228 of the executive law is REPEALED.

32 § 17. Subdivision 2 of section 898 of the general business law, as
33 amended by chapter 371 of the laws of 2022, is amended to read as
34 follows:

35 2. Before any sale, exchange or disposal pursuant to this article, a
36 national instant criminal background check must be completed by a dealer
37 who [~~shall submit a request to the division of state police pursuant to~~
38 ~~section two hundred twenty eight of the executive law~~] consents to
39 conduct such check, and upon completion of such background check, shall
40 complete a document, the form of which shall be approved by the super-
41 intendent of state police, that identifies and confirms that such check
42 was performed. Before a dealer who [~~has submitted a request to the divi-~~
43 ~~sion of state police~~] consents to conduct a national instant criminal
44 background check delivers a firearm, rifle or shotgun to any person,
45 either (a) NICS [~~shall have~~] issued a "proceed" response to the dealer,
46 or (b) thirty calendar days shall have elapsed since the date the dealer
47 [~~submitted a request to the division of state police to contact the~~
48 contacted] NICS to initiate a national instant criminal background check
49 and NICS has not notified the [~~division of state police~~] dealer that the
50 transfer of the firearm, rifle or shotgun to such person should be
51 denied.

52 § 18. Paragraph (c) of subdivision 1 of section 896 of the general
53 business law, as amended by chapter 371 of the laws of 2022, is amended
54 to read as follows:

55 (c) [~~coordinate with the division of state police to~~] provide access
56 at the gun show to a firearm dealer licensed under federal law who is

1 authorized to perform a national instant criminal background check
2 [~~prior to any firearm sale or transfer~~] where the seller or transferor
3 of a firearm, rifle or shotgun is not authorized to conduct such a check
4 by (i) requiring firearm exhibitors who are firearm dealers licensed
5 under federal law and who are authorized to conduct a national instant
6 criminal background check to provide such a check at cost or (ii) design-
7 ating a specific location at the gun show where a firearm dealer
8 licensed under federal law who is authorized to conduct a national
9 instant criminal background check will be present to perform such a
10 check at cost. Any firearm dealer licensed under federal law who
11 [~~submits a request to the division of state police to perform~~] performs
12 a national instant criminal background check pursuant to this paragraph
13 shall provide the seller or transferor of the firearm, rifle or shotgun
14 with a copy of the United States Department of Treasury, Bureau of Alco-
15 hol, Tobacco and Firearms Form ATF F 4473 and such dealer shall maintain
16 such form and make such form available for inspection by law enforcement
17 agencies for a period of ten years thereafter.

18 § 19. Section 19 of chapter 371 of the laws of 2022 is REPEALED.

19 § 20. Section 400.06 of the penal law is REPEALED.

20 § 21. Section 99-pp of the state finance law as added by chapter 371
21 of the laws of 2022, is REPEALED.

22 § 22. Subdivision 19 of section 265.00 of the penal law, as amended by
23 chapter 371 of the laws of 2022, is amended to read as follows:

24 19. "Duly authorized instructor" means (a) a duly commissioned officer
25 of the United States army, navy, marine corps or coast guard, or of the
26 national guard of the state of New York; or (b) a duly qualified adult
27 citizen of the United States who has been granted a certificate as an
28 instructor in small arms practice issued by the United States army, navy
29 or marine corps, or by the adjutant general of this state, [~~or by the~~
30 ~~division of criminal justice services,~~] or by the national rifle associ-
31 ation of America, a not-for-profit corporation duly organized under the
32 laws of this state; or (c) [~~by~~] a person duly qualified and designated
33 by the department of environmental conservation under paragraph c of
34 subdivision three of section 11-0713 of the environmental conservation
35 law as its agent in the giving of instruction and the making of certifi-
36 cations of qualification in responsible hunting practices; or (d) a New
37 York state 4-H certified shooting sports instructor.

38 § 23. Subdivision 18 of section 400.00 of the penal law, as amended by
39 chapter 371 of the laws of 2022 and paragraph (c) as amended and (d) as
40 added by chapter 432 of the laws of 2024, is amended to read as follows:

41 18. Notice. Upon the issuance of a license, the licensing officer
42 shall issue therewith [~~, and such licensee shall attest to the receipt~~
43 ~~of,~~] the following [~~information and notifications: (a) the grounds for~~
44 ~~which the license issued may be revoked, which shall include but not be~~
45 ~~limited to the areas and locations for which the licenses issued under~~
46 ~~paragraph (f) of subdivision two of this section prohibits the~~
47 ~~possession of firearms, rifles, and shotguns, and that a conviction~~
48 ~~under sections 265.01-d and 265.01-e of this chapter are felonies for~~
49 ~~which licensure will be revoked;~~

50 [~~(b) a notification regarding the requirements for safe storage which~~
51 ~~shall be~~] notice in conspicuous and legible twenty-four point type on
52 eight and one-half inches by eleven inches paper stating in bold print
53 the following:

54 WARNING: RESPONSIBLE FIREARM STORAGE IS THE LAW IN NEW YORK STATE.
55 [~~WHEN STORED IN A HOME~~] FIREARMS [~~, RIFLES, OR SHOTGUNS~~] MUST EITHER BE
56 STORED WITH A GUN LOCKING DEVICE OR IN A SAFE STORAGE DEPOSITORY OR NOT

1 BE LEFT OUTSIDE THE IMMEDIATE POSSESSION AND CONTROL OF THE OWNER OR
2 OTHER LAWFUL POSSESSOR IF A CHILD [~~UNDER THE AGE OF EIGHTEEN~~] RESIDES IN
3 THE HOME OR IS PRESENT, OR IF THE OWNER OR POSSESSOR RESIDES WITH A
4 PERSON PROHIBITED FROM POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW.
5 FIREARMS SHOULD BE STORED [~~BY REMOVING THE AMMUNITION FROM AND SECURELY~~
6 ~~LOCKING SUCH FIREARM~~] UNLOADED AND LOCKED IN A LOCATION SEPARATE FROM
7 AMMUNITION. LEAVING FIREARMS ACCESSIBLE TO A CHILD OR OTHER PROHIBITED
8 PERSON MAY SUBJECT YOU TO IMPRISONMENT, FINE, OR BOTH. [~~WHEN STORED IN A~~
9 ~~VEHICLE OUTSIDE THE OWNER'S IMMEDIATE POSSESSION OR CONTROL, FIREARMS,~~
10 ~~RIFLES, AND SHOTGUNS MUST BE STORED IN AN APPROPRIATE SAFE STORAGE~~
11 ~~DEPOSITORY AND OUT OF SIGHT FROM OUTSIDE OF THE VEHICLE.~~

12 ~~(c) any other information necessary to ensure such licensee is aware~~
13 ~~of their responsibilities as a license holder, and~~

14 ~~(d) statewide resources and information relating to safe storage of~~
15 ~~firearms, child access prevention and firearm violence prevention as~~
16 ~~well as information on county and local specific laws and regulations~~
17 ~~related to child access prevention and the safe storage of firearms.]~~

18 Nothing in this subdivision shall be deemed to affect, impair or
19 supersede any special or local law relating to providing notice regard-
20 ing the safe storage of rifles, shotguns or firearms.

21 § 23-a. Subdivision 19 of section 400.00 of the penal law is
22 REPEALED.

23 § 24. Subdivisions 11 and 12 of section 265.00 of the penal law, as
24 amended by chapter 371 of the laws of 2022, are amended to read as
25 follows:

26 11. "Rifle" means a weapon designed or redesigned, made or remade, and
27 intended to be fired from the shoulder and designed or redesigned and
28 made or remade to use the energy of the explosive in a fixed metallic
29 cartridge to fire only a single projectile through a rifled bore for
30 each single pull of the trigger [~~using either: (a) fixed metallic~~
31 ~~cartridge, or (b) each projectile and explosive charge are loaded indi-~~
32 ~~vidually for each shot discharged. In addition to common, modern usage,~~
33 ~~rifles include those using obsolete ammunition not commonly available in~~
34 ~~commercial trade, or that load through the muzzle and fire a single~~
35 ~~projectile with each discharge, or loading, including muzzle loading~~
36 ~~rifles, flintlock rifles, and black powder rifles].~~

37 12. "Shotgun" means a weapon designed or redesigned, made or remade,
38 and intended to be fired from the shoulder and designed or redesigned
39 and made or remade to use the energy of the explosive in a fixed shotgun
40 shell to fire through a smooth [~~or rifled~~] bore either a number of ball
41 shot or a single projectile for each single pull of the trigger [~~using~~
42 ~~either: (a) a fixed shotgun shell, or (b) a projectile or number of ball~~
43 ~~shot and explosive charge are loaded individually for each shot~~
44 ~~discharged. In addition to common, modern usage, shotguns include those~~
45 ~~using obsolete ammunition not commonly available in commercial trade, or~~
46 ~~that load through the muzzle and fires ball shot with each discharge, or~~
47 ~~loading, including muzzle loading shotguns, flintlock shotguns, and~~
48 ~~black powder shotguns].~~

49 § 25. Severability. If any clause, sentence, paragraph or section of
50 this act shall be adjudged by any court of competent jurisdiction to be
51 invalid, the judgment shall not affect, impair or invalidate the remain-
52 der thereof, but shall be confined in its operation to the clause,
53 sentence, paragraph or section thereof directly involved in the contro-
54 versy in which the judgment shall have been rendered.

55 § 26. This act shall take effect immediately.