STATE OF NEW YORK

3311

2025-2026 Regular Sessions

IN ASSEMBLY

January 27, 2025

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

AN ACT to amend the penal law, in relation to expenses borne by counties outside of the city of New York for the issuance and maintenance of record books utilized by authorized gunsmiths in the sale and disposition of firearms in the state

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

Section 1. Legislative findings and declaration. As part of New York's firearms licensing law, section 400.00 of the penal law requires gunsmiths and licensed firearms dealers to maintain a record of all transactions involving firearms. These requirements are contained in subdivision 12 of section 400.00 of the penal law. In order to buy a firearm the purchaser must produce a license authorizing possession of the weapon or show authorization to carry the weapon by virtue of their peace officer or police officer status. Within ten days of sale, section 400.00 of the penal law requires the seller to send a "transaction report" to the Division of State Police. An original of the report is retained in a record book to be kept on premises while the statute is silent as to who is responsible for distributing the record books to the firearms dealers, subdivision 13 of section 400.00 of the penal law has been interpreted since 1987 as requiring County governments outside of the City of New York, and the City of New York within the City, as financially responsible for the expenses related to and the management of the issuance of, the record books referenced in subdivision 12 of section 400.00 of the penal law. Since the emergence of on-line retail sales of firearms, the demand for, and cost of, firearms record books has grown as an unfunded mandate on counties related solely to an activity associated with the State Police of New York. As such, this amendment seeks to modify the law to require the expense associated with

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

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these record books be borne by the State of New York as incidental to the functions required to be performed by the New York State Police.

§ 2. Subdivision 13 of section 400.00 of the penal law is amended to read as follows:

13. Expenses. The expense of providing a licensing officer with blank applications, licenses and record books for carrying out the provisions of this section shall be a charge against the [~~county, and in the city of New York against the city~~] state by and through the division of state police.

§ 3. This act shall take effect immediately.