

STATE OF NEW YORK

544--A

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. PAULIN, SEAWRIGHT, McMAHON, LEVENBERG, JACOBSON
-- read once and referred to the Committee on Codes -- committee
discharged, bill amended, ordered reprinted as amended and recommitted
to said committee

AN ACT to amend the criminal procedure law, in relation to requiring
police officers to take temporary custody of firearms when responding
to reports of family violence

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

1 Section 1. Paragraphs (a) and (c) of subdivision 6 of section 140.10
2 of the criminal procedure law, as added by section 2 of part M of chap-
3 ter 55 of the laws of 2020, are amended to read as follows:

4 (a) (i) A police officer who responds to a report of a family offense
5 as defined in section 530.11 of this chapter and section eight hundred
6 twelve of the family court act:

7 (1) may take temporary custody of any firearm, rifle, electronic dart
8 gun, electronic stun gun, disguised gun, imitation weapon, shotgun,
9 antique firearm, black powder rifle, black powder shotgun, or muzzle-
10 loading firearm that is in plain sight or is discovered pursuant to a
11 consensual or other lawful search~~[-and];~~

12 (2) shall take temporary custody of any [~~such weapon~~] firearm, rifle,
13 electronic dart gun, electronic stun gun, disguised gun, imitation
14 weapon, shotgun, antique firearm, black powder rifle, black powder
15 shotgun, or muzzle-loading firearm that is in the possession of any
16 person arrested for the commission of [~~such~~] a family offense or
17 suspected of its commission~~[-]; and~~

18 (3) shall take temporary custody of any firearm, rifle, electronic
19 dart gun, electronic stun gun, disguised gun, imitation weapon, shot-
20 gun, antique firearm, black powder rifle, black powder shotgun, or
21 muzzle-loading firearm that is in plain sight or is discovered pursu-

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

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1 ant to a consensual or other lawful search when such officer has a
2 reasonable belief that it is necessary to remove such weapon to protect
3 the victim or other persons present, or to prevent risk of further
4 violence or threat.

5 (ii) An officer who takes custody of any weapon pursuant to this para-
6 graph shall also take custody of any license to carry, possess, repair,
7 and dispose of such weapon issued to the person arrested or suspected of
8 such family offense. The officer shall deliver such weapon and/or
9 license to the appropriate law enforcement officer as provided in
10 subparagraph (f) of paragraph one of subdivision a of section 265.20 of
11 the penal law.

12 (c) Not less than [~~forty-eight~~] one hundred twenty hours after effect-
13 ing such seizure, and in the absence of (i) an order of protection, an
14 extreme risk protection order, or other court order prohibiting the
15 owner from possessing such a weapon and/or license, or (ii) a pending
16 criminal charge or conviction which prohibits such owner from possessing
17 such a weapon and/or license, and upon a written finding that there is
18 no legal impediment to the owner's possession of such a weapon and/or
19 license, the court or, if no court is involved, licensing authority or
20 custodian of the weapon shall direct return of a weapon not otherwise
21 disposed of in accordance with subdivision one of section 400.05 of the
22 penal law and/or such license taken into custody pursuant to this
23 section.

24 § 2. This act shall take effect immediately.