

# STATE OF NEW YORK

2233

2025-2026 Regular Sessions

## IN ASSEMBLY

January 15, 2025

Introduced by M. of A. SIMON, SEAWRIGHT -- Multi-Sponsored by -- M. of A. COLTON -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the temporary surrender of firearms for public safety purposes

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

1 Section 1. Section 400.05 of the penal law is amended by adding a new  
2 subdivision 7 to read as follows:

3 7. (a) Any person who is taken into custody by the police for the  
4 purpose of a mental examination, and prior to an examination ordered  
5 pursuant to article seven hundred thirty of the criminal procedure law,  
6 shall be required to surrender such person's firearms as defined in  
7 subdivision three of section 265.00 of this chapter, to the police.

8 (b) There shall be a "cooling off period" following the discharge from  
9 psychiatric care during which time firearms, which came into police  
10 custody during the person's pre-hospitalization intervention or during  
11 hospitalization, may be kept in police custody for thirty days, or after  
12 a psychiatric examiner has determined whether the person is a threat to  
13 themselves or others. However, a judge of the local jurisdiction may order  
14 an early return of the firearms if such judge determines that it would  
15 be appropriate to do so.

16 § 2. This act shall take effect immediately.

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

LBD04781-01-5