

STATE OF NEW YORK

360

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

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

AN ACT to amend the penal law and the environmental conservation law, in relation to establishing additional requirements to purchase a firearm, shotgun or rifle

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

1 Section 1. Subdivisions 1 and 4-c of section 400.00 of the penal law,
2 subdivision 1 as separately amended by chapters 371 and 669 of the laws
3 of 2022, and subdivision 4-c as amended by chapter 371 of the laws of
4 2022, are amended to read as follows:
5 1. Eligibility. No license shall be issued or renewed pursuant to this
6 section except by the licensing officer, and then only after investi-
7 gation and finding that all statements in a proper application for a
8 license are true. No license shall be issued or renewed except for an
9 applicant (a) twenty-one years of age or older, provided, however, that
10 where such applicant has been honorably discharged from the United
11 States army, navy, marine corps, air force or coast guard, or the
12 national guard of the state of New York, no such age restriction shall
13 apply; (b) of good moral character, which, for the purposes of this
14 article, shall mean having the essential character, temperament and
15 judgement necessary to be entrusted with a weapon and to use it only in
16 a manner that does not endanger oneself or others; (c) who has not been
17 convicted anywhere of a felony or a serious offense or who is not the
18 subject of an outstanding warrant of arrest issued upon the alleged
19 commission of a felony or serious offense; (d) who is not a fugitive
20 from justice; (e) who is not an unlawful user of or addicted to any
21 controlled substance as defined in section 21 U.S.C. 802 and has
22 provided notarized proof of a passed drug test by a licensed physician;
23 (f) who being a noncitizen (i) is not illegally or unlawfully in the

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

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

1 meet in person with the licensing officer for an interview and shall, in
2 addition to any other information or forms required by the license
3 application submit to the licensing officer the following information:
4 (i) names and contact information for the applicant's current spouse, or
5 domestic partner, any other adults residing in the applicant's home,
6 including any adult children of the applicant, and whether or not there
7 are minors residing, full time or part time, in the applicant's home;
8 (ii) names and contact information of no less than four character refer-
9 ences who can attest to the applicant's good moral character and that
10 such applicant has not engaged in any acts, or made any statements that
11 suggest they are likely to engage in conduct that would result in harm
12 to themselves or others; (iii) certification of completion of the train-
13 ing required in subdivision nineteen of this section; (iv) a list of
14 former and current social media accounts of the applicant from the past
15 three years to confirm the information regarding the applicants charac-
16 ter and conduct as required in subparagraph (ii) of this paragraph; and
17 (v) such other information required by the licensing officer that is
18 reasonably necessary and related to the review of the licensing applica-
19 tion; (p) who has successfully completed live firing instruction and a
20 test with at least ninety percent accuracy at a shooting range using the
21 type of firearm they anticipate purchasing, possessing or acquiring; and
22 (q) has purchased a safe storage depository for their firearms and ammu-
23 nitition as evidenced by a receipt of such purchase. For the purposes of
24 this subdivision, "safe storage depository" shall mean a safe or other
25 secure container which, when locked, is incapable of being opened with-
26 out the key, combination or other unlocking mechanism and is capable of
27 preventing an unauthorized person from obtaining access to and
28 possession of the weapon or ammunition contained therein.

29 4-c. [~~Westchester county firearms~~] Firearms safety course certificate.
30 [~~In the county of Westchester, at~~] At the time of application, the
31 licensing officer to which the license application is made shall provide
32 a copy of the five hour safety course booklet to each license applicant.
33 Before such license is issued, such licensing officer shall require that
34 the applicant submit a certificate of successful completion of a five
35 hour firearms safety course and test issued in [~~his or her~~] their name
36 and endorsed and affirmed under the penalties of perjury by a duly
37 authorized instructor.

38 § 2. The penal law is amended by adding a new section 400.25 to read
39 as follows:

40 § 400.25 Purchase of rifles and shotguns.

41 1. Prior to the purchase of any rifle or shotgun, a person shall apply
42 for a hunting license pursuant to article eleven of the environmental
43 conservation law.

44 2. In addition to the requirements required by article eleven of the
45 environmental conservation law, no hunting license for the purchase of a
46 rifle or shotgun shall be issued except for an applicant: (a) who is not
47 an unlawful user of or addicted to any controlled substance as defined
48 in section 21 U.S.C. 802 and has provided notarized proof of a passed
49 drug test by a licensed physician; (b) who has stated whether they have
50 ever suffered any mental illness and has provided notarized proof of a
51 passed mental health evaluation by a licensed physician; (c) who has
52 successfully completed a five hour firearms safety course and test as
53 evidenced by a certificate of completion issued in their name and
54 endorsed and affirmed under the penalties of perjury by a duly author-
55 ized instructor, except that persons who are honorably discharged from
56 the United States army, navy, marine corps or coast guard, or of the

1 national guard of the state of New York, and produce evidence of offi-
2 cial qualification in firearms during the term of service are not
3 required to have completed those hours of a firearms safety course
4 pertaining to the safe use, carrying, possession, maintenance and stor-
5 age of firearms, shotguns and rifles; (d) who has successfully completed
6 live firing instruction and a test with at least ninety percent accuracy
7 at a shooting range using the type of rifle or shotgun they anticipate
8 purchasing, possessing or acquiring; (e) who does not have a criminal
9 record which would otherwise disqualify them from purchasing a shotgun
10 or rifle; and (f) has purchased a safe storage depository for their
11 rifle or shotgun and ammunition as evidenced by a receipt of such
12 purchase. For the purposes of this section, "safe storage depository"
13 shall mean a safe or other secure container which, when locked, is inca-
14 pable of being opened without the key, combination or other unlocking
15 mechanism and is capable of preventing an unauthorized person from
16 obtaining access to and possession of the weapon or ammunition contained
17 therein.

18 3. Before a license is issued, there shall be an investigation of all
19 statements related to the requirements of this section by the duly
20 constituted police authorities of the locality where such application is
21 made. For that purpose, the records of the appropriate office of the
22 department of mental hygiene concerning previous or present mental
23 illness of the applicant shall be available for inspection by the inves-
24 tigating officer of the police authority. In order to ascertain any
25 previous criminal record, the investigating officer shall take the fing-
26 erprints and physical descriptive data in quadruplicate of each individ-
27 ual by whom the application is made. Two copies of such fingerprints
28 shall be taken on standard fingerprint cards eight inches square, and
29 one copy may be taken on a card supplied for that purpose by the federal
30 bureau of investigation. When completed, one standard card shall be
31 forwarded to and retained by the division of criminal justice services
32 in the executive department, at Albany. A search of the files of such
33 division and written notification of the results of the search to the
34 investigating officer shall be made without unnecessary delay. Thereaft-
35 er, such division shall notify the issuing officer and the executive
36 department, division of state police, Albany, of any criminal record of
37 the applicant filed therein subsequent to the search of its files. A
38 second standard card, or the one supplied by the federal bureau of
39 investigation, as the case may be, shall be forwarded to that bureau at
40 Washington with a request that the files of the bureau be searched and
41 notification of the results of the search be made to the investigating
42 police authority. Of the remaining two fingerprint cards, one shall be
43 filed with the executive department, division of state police, Albany,
44 within ten days after issuance of the license, and the other remain on
45 file with the investigating police authority. No such fingerprints may
46 be inspected by any person other than a peace officer, who is acting
47 pursuant to their special duties, or a police officer, except on order
48 of a judge or justice of a court of record either upon notice to the
49 licensee or without notice, as the judge or justice may deem appropri-
50 ate. Upon completion of the investigation, the police authority shall
51 report the results to the issuing officer without unnecessary delay.

52 4. In acting upon an application, the issuing officer shall either
53 deny the application for reasons specifically and concisely stated in
54 writing or grant the application and issue the license applied for.

55 § 3. Subdivision 1 of section 11-0701 of the environmental conserva-
56 tion law is amended by adding a new paragraph c to read as follows:

1 c. entitles the holder to purchase a rifle or shotgun provided such
2 holder meets the requirements of section 400.25 of the penal law or any
3 other related provision of law.

4 § 4. Subdivision 3 of section 11-0713 of the environmental conserva-
5 tion law is amended by adding a new paragraph a-1 to read as follows:

6 a-1. The issuing officer shall not issue a hunting license for the
7 purchase of a rifle or shotgun to any person unless the applicant
8 presents proof that they meet the requirements of section 400.25 of the
9 penal law.

10 § 5. This act shall take effect on the one hundred eightieth day after
11 it shall have become a law. Effective immediately the addition, amend-
12 ment and/or repeal of any rule or regulation necessary for the implemen-
13 tation of this act on its effective date is authorized to be made and
14 completed on or before such effective date.