

STATE OF NEW YORK

6113

2025-2026 Regular Sessions

IN ASSEMBLY

February 26, 2025

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

AN ACT to amend the penal law, in relation to prohibiting the provision of licenses for firearms to persons on the federal no-fly list or terrorist screening database; to amend the criminal procedure law, in relation to revoking or suspending firearms licenses of persons on the federal no-fly list or terrorist screening database; and to amend the executive law, in relation to requiring the superintendent of state police to search the federal no-fly list or terrorist screening database and report findings to appropriate enforcement agencies

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

1 Section 1. This act shall be known and may be cited as the "Deny
2 Firearms to Dangerous Terrorists Act".
3 § 2. Subdivision 1 of section 400.00 of the penal law, as separately
4 amended by chapters 371 and 669 of the laws of 2022, is amended to read
5 as follows:
6 1. Eligibility. No license shall be issued or renewed pursuant to this
7 section except by the licensing officer, and then only after investi-
8 gation and finding that all statements in a proper application for a
9 license are true. No license shall be issued or renewed except for an
10 applicant (a) twenty-one years of age or older, provided, however, that
11 where such applicant has been honorably discharged from the United
12 States army, navy, marine corps, air force or coast guard, or the
13 national guard of the state of New York, no such age restriction shall
14 apply; (b) of good moral character, which, for the purposes of this
15 article, shall mean having the essential character, temperament and
16 judgement necessary to be entrusted with a weapon and to use it only in
17 a manner that does not endanger oneself or others; (c) who has not been
18 convicted anywhere of a felony or a serious offense or who is not the
19 subject of an outstanding warrant of arrest issued upon the alleged

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

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1 commission of a felony or serious offense; (d) who is not a fugitive
2 from justice; (e) who is not an unlawful user of or addicted to any
3 controlled substance as defined in section 21 U.S.C. 802; (f) who being
4 a noncitizen (i) is not illegally or unlawfully in the United States or
5 (ii) has not been admitted to the United States under a nonimmigrant
6 visa subject to the exception in 18 U.S.C. 922(y)(2); (g) who has not
7 been discharged from the Armed Forces under dishonorable conditions; (h)
8 who, having been a citizen of the United States, has not renounced [~~his~~
9 ~~or her~~] their citizenship; (i) who has stated whether [~~he or she has~~
10 they have] ever suffered any mental illness; (j) who has not been invol-
11 untarily committed to a facility under the jurisdiction of an office of
12 the department of mental hygiene pursuant to article nine or fifteen of
13 the mental hygiene law, article seven hundred thirty or section 330.20
14 of the criminal procedure law or substantially similar laws of any other
15 state, section four hundred two or five hundred eight of the correction
16 law, section 322.2 or 353.4 of the family court act, has not been civil-
17 ly confined in a secure treatment facility pursuant to article ten of
18 the mental hygiene law, or has not been the subject of a report made
19 pursuant to section 9.46 of the mental hygiene law; (k) who has not had
20 a license revoked or who is not under a suspension or ineligibility
21 order issued pursuant to the provisions of section 530.14 of the crimi-
22 nal procedure law or section eight hundred forty-two-a of the family
23 court act; (l) in the county of Westchester, who has successfully
24 completed a firearms safety course and test as evidenced by a certif-
25 icate of completion issued in [~~his or her~~] their name and endorsed and
26 affirmed under the penalties of perjury by a duly authorized instructor,
27 except that: (i) persons who are honorably discharged from the United
28 States army, navy, marine corps or coast guard, or of the national guard
29 of the state of New York, and produce evidence of official qualification
30 in firearms during the term of service are not required to have
31 completed those hours of a firearms safety course pertaining to the safe
32 use, carrying, possession, maintenance and storage of a firearm; (ii)
33 persons who were licensed to possess a pistol or revolver prior to the
34 effective date of this paragraph are not required to have completed a
35 firearms safety course and test, provided, however, persons with a
36 license issued under paragraph (f) of subdivision two of this section
37 prior to the effective date of [~~the laws~~] chapter three hundred seven-
38 ty-one of the laws of two thousand twenty-two [~~which amended this para-~~
39 ~~graph~~] shall be required to complete the training required by subdivi-
40 sion nineteen of this section prior to the recertification of such
41 license; and (iii) persons applying for a license under paragraph (f) of
42 subdivision two of this section on or after the effective date of [~~the~~
43 chapter three hundred seventy-one] of the laws of two thousand twenty-two
44 [~~which amended this paragraph~~] who shall be required to complete the
45 training required under subdivision nineteen of this section for such
46 license; (m) who has not had a guardian appointed for [~~him or her~~] them
47 pursuant to any provision of state law, based on a determination that as
48 a result of marked subnormal intelligence, mental illness, incompetency,
49 incapacity, condition or disease, [~~he or she lacks~~] they lack the mental
50 capacity to contract or manage [~~his or her~~] their own affairs; (n) for a
51 license issued under paragraph (f) of subdivision two of this section,
52 that the applicant has not been convicted within five years of the date
53 of the application of any of the following: (i) assault in the third
54 degree, as defined in section 120.00 of this chapter; (ii) misdemeanor
55 driving while intoxicated, as defined in section eleven hundred ninety-
56 two of the vehicle and traffic law; or (iii) menacing, as defined in

1 section 120.15 of this chapter; ~~and~~ (o) for a license issued under
2 paragraph (f) of subdivision two of this section, the applicant shall
3 meet in person with the licensing officer for an interview and shall, in
4 addition to any other information or forms required by the license
5 application submit to the licensing officer the following information:
6 (i) names and contact information for the applicant's current spouse, or
7 domestic partner, any other adults residing in the applicant's home,
8 including any adult children of the applicant, and whether or not there
9 are minors residing, full time or part time, in the applicant's home;
10 (ii) names and contact information of no less than four character refer-
11 ences who can attest to the applicant's good moral character and that
12 such applicant has not engaged in any acts, or made any statements that
13 suggest they are likely to engage in conduct that would result in harm
14 to themselves or others; (iii) certification of completion of the train-
15 ing required in subdivision nineteen of this section; (iv) a list of
16 former and current social media accounts of the applicant from the past
17 three years to confirm the information regarding the applicants charac-
18 ter and conduct as required in subparagraph (ii) of this paragraph; and
19 (v) such other information required by the licensing officer that is
20 reasonably necessary and related to the review of the licensing applica-
21 tion; and (p) who has not been listed on the federal no-fly list or
22 terrorist screening database operated by the federal bureau of investi-
23 gation.

24 § 3. Section 530.14 of the criminal procedure law is amended by adding
25 a new subdivision 3-a to read as follows:

26 3-a. Revocation or suspension of license upon a finding that the hold-
27 er of the firearm license is a suspected terrorist. Where the division
28 of state police finds that a holder of a firearm license is listed on
29 the federal no-fly list or terrorist screening database operated by the
30 federal bureau of investigation, the division of state police shall
31 immediately revoke the holder's license. The individual shall be noti-
32 fied in writing within thirty days of the revocation.

33 § 4. Section 223 of the executive law is amended by adding a new
34 subdivision 3 to read as follows:

35 3. The superintendent shall search the federal no-fly list or terror-
36 ist screening database at least once each year and upon a finding that a
37 firearm license holder is on such a list, the superintendent shall imme-
38 diately notify all appropriate law enforcement agencies and shall direct
39 the state police to remove any and all such firearms until such time
40 that the individual is no longer on the federal no-fly list or terrorist
41 screening database.

42 § 5. Section 223 of the executive law, as amended by section 3-b of
43 part MM of chapter 54 of the laws of 2016, is amended to read as
44 follows:

45 § 223. Duties and powers of the superintendent of state police and of
46 members of the state police. 1. It shall be the duty of the superinten-
47 dent of the state police and of members of the state police to prevent
48 and detect crime and apprehend criminals. They shall also be subject to
49 the call of the governor and are empowered to co-operate with any other
50 department of the state or with local authorities. They shall also
51 collect and analyze information relating to prevention and detection of
52 terrorist threats and terrorist activities throughout the state and
53 share all such information subject to paragraph (g) of subdivision two
54 of section seven hundred nine of this chapter among the division of
55 homeland security and emergency services and local, state, and federal
56 law enforcement agencies to ensure the coordination of appropriate

1 intelligence to assist in the early identification of and response to
2 potential terrorist threats and terrorist activities. They shall have
3 power to arrest, without a warrant, any person committing or attempting
4 to commit within their presence or view a breach of the peace or other
5 violation of law, to serve and execute warrants of arrest or search
6 issued by proper authority and to exercise all other powers of police
7 officers of the state of New York. Any such warrants issued by any
8 magistrate of the state may be executed by them in any part of the state
9 according to the tenor thereof without [~~indorsement~~] endorsement. But
10 they shall not exercise their powers within the limits of any city to
11 suppress rioting and disorder except by direction of the governor or
12 upon the request of the mayor of the city with the approval of the
13 governor. Any member of the rank of sergeant or above may take pre-ar-
14 aignment bail from any defendant in the amounts and under the circum-
15 stances and conditions that police may take bail.

16 2. The superintendent shall search the federal no-fly list or terror-
17 ist screening database at least once each year and upon a finding that a
18 firearm license holder is on such a list, the superintendent shall imme-
19 diately notify all appropriate law enforcement agencies and shall direct
20 the state police to remove any and all such firearms until such time
21 that the individual is no longer on the federal no-fly list or terrorist
22 screening database.

23 § 6. The superintendent of state police and the commissioner of crimi-
24 nal justice services shall promulgate any regulations necessary for the
25 provisions of this act to take effect.

26 § 7. This act shall take effect immediately; provided however, the
27 provisions of this act shall not take effect until the superintendent of
28 state police receives approval to access the information on the federal
29 no-fly list or terrorist screening database from the relevant federal
30 agencies; provided further that the amendments to section 223 of the
31 executive law made by section four of this act shall be subject to the
32 expiration and reversion of such section pursuant to section 3 of chap-
33 ter 428 of the laws of 1999, as amended, when upon such date the
34 provisions of section five of this act shall take effect; provided that
35 the superintendent of state police shall notify the legislative bill
36 drafting commission upon the occurrence of the enactment of the legis-
37 lation provided for in this act in order that the commission may main-
38 tain an accurate and timely effective database of the official text of
39 the laws of the state of New York in furtherance of effectuating the
40 provisions of section 44 of the legislative law and section 70-b of the
41 public officers law.