

STATE OF NEW YORK

3127

2025-2026 Regular Sessions

IN SENATE

January 23, 2025

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to licenses to carry and possess firearms

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

1 Section 1. Subdivision 2 of section 400.00 of the penal law, as
2 amended by chapter 371 of the laws of 2022, is amended to read as
3 follows:

4 2. Types of licenses. A license for gunsmith or dealer in firearms
5 shall be issued to engage in such business. A license for a semiautomat-
6 ic rifle, other than an assault weapon or disguised gun, shall be issued
7 to purchase or take possession of such a semiautomatic rifle when such
8 transfer of ownership occurs on or after [~~the effective date of chapter~~
9 ~~two hundred twelve of the laws of~~] sixth day of June, two thousand twen-
10 ty-two [~~that amended this subdivision~~]. A license for a pistol or revol-
11 ver, other than an assault weapon or a disguised gun, shall be issued to
12 [~~(a) have and~~] possess [~~in his dwelling by a householder; (b) have and~~
13 ~~possess in his place of business by a merchant or storekeeper; (c) have~~]
14 and carry concealed [~~while so employed by a messenger employed by a~~
15 ~~banking institution or express company; (d) have and carry concealed by~~
16 ~~a justice of the supreme court in the first or second judicial depart-~~
17 ~~ments, or by a judge of the New York city civil court or the New York~~
18 ~~city criminal court; (e) have and carry concealed while so employed by a~~
19 ~~regular employee of an institution of the state, or of any county, city,~~
20 ~~town or village, under control of a commissioner of correction of the~~
21 ~~city or any warden, superintendent or head keeper of any state prison,~~
22 ~~penitentiary, workhouse, county jail or other institution for the~~
23 ~~detention of persons convicted or accused of crime or held as witnesses~~
24 ~~in criminal cases, provided that application is made therefor by such~~
25 ~~commissioner, warden, superintendent or head keeper; (f) have and carry~~

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

LBD07007-01-5

1 ~~concealed,~~] without regard to employment or place of possession [~~subject~~
2 ~~to the restrictions of state and federal law, by any person, and (g)~~
3 ~~have, possess, collect and carry antique pistols which are defined as~~
4 ~~follows: (i) any single shot, muzzle loading pistol with a matchlock,~~
5 ~~flintlock, percussion cap, or similar type of ignition system manufac-~~
6 ~~tured in or before 1898, which is not designed for using rimfire or~~
7 ~~conventional centerfire fixed ammunition, and (ii) any replica of any~~
8 ~~pistol described in clause (i) hereof if such replica,~~

9 ~~(1) is not designed or redesigned for using rimfire or conventional~~
10 ~~centerfire fixed ammunition, or~~

11 ~~(2) uses rimfire or conventional centerfire fixed ammunition which is~~
12 ~~no longer manufactured in the United States and which is not readily~~
13 ~~available in the ordinary channels of commercial trade].~~

14 § 2. Paragraph (a) of subdivision 3 of section 400.00 of the penal
15 law, as amended by chapter 212 of the laws of 2022, is amended to read
16 as follows:

17 (a) Applications shall be made and renewed, in the case of a license
18 to carry [~~or~~] ~~and~~ possess a pistol or revolver or to purchase or take
19 possession of a semiautomatic rifle, to the licensing officer in the
20 city or county, as the case may be, where the applicant resides, is
21 principally employed or has [~~his or her~~] ~~their~~ principal place of busi-
22 ness as merchant or storekeeper; and, in the case of a license as
23 gunsmith or dealer in firearms, to the licensing officer where such
24 place of business is located. Blank applications shall, except in the
25 city of New York, be approved as to form by the superintendent of state
26 police. An application shall state the full name, date of birth, resi-
27 dence, present occupation of each person or individual signing the same,
28 whether or not [~~he or she is~~] ~~they are~~ a citizen of the United States,
29 whether or not [~~he or she complies~~] ~~they comply~~ with each requirement
30 for eligibility specified in subdivision one of this section and such
31 other facts as may be required to show the good character, competency
32 and integrity of each person or individual signing the application. An
33 application shall be signed and verified by the applicant. Each individ-
34 ual signing an application shall submit one photograph of [~~himself or~~
35 ~~herself~~] ~~themselves~~ and a duplicate for each required copy of the appli-
36 cation. Such photographs shall have been taken within thirty days prior
37 to filing the application. In case of a license as gunsmith or dealer in
38 firearms, the photographs submitted shall be two inches square, and the
39 application shall also state the previous occupation of each individual
40 signing the same and the location of the place of such business, or of
41 the bureau, agency, subagency, office or branch office for which the
42 license is sought, specifying the name of the city, town or village,
43 indicating the street and number and otherwise giving such apt
44 description as to point out reasonably the location thereof. In such
45 case, if the applicant is a firm, partnership or corporation, its name,
46 date and place of formation, and principal place of business shall be
47 stated. For such firm or partnership, the application shall be signed
48 and verified by each individual composing or intending to compose the
49 same, and for such corporation, by each officer thereof.

50 § 3. Subdivision 6 of section 400.00 of the penal law, as amended by
51 chapter 212 of the laws of 2022, is amended to read as follows:

52 6. License: validity. Any license issued pursuant to this section
53 shall be valid notwithstanding the provisions of any local law or ordi-
54 nance. No license shall be transferable to any other person or premises.
55 A license to carry [~~or~~] ~~and~~ possess a pistol or revolver, or to purchase
56 or take possession of a semiautomatic rifle[~~, not otherwise limited as~~

1 ~~to place or time of possession,~~ shall be effective throughout the
2 state, except that the same shall not be valid within the city of New
3 York unless a special permit granting validity is issued by the police
4 commissioner of that city. Such license to carry ~~or~~ and possess shall
5 be valid within the city of New York in the absence of a permit issued
6 by the police commissioner of that city, provided that (a) the firearms
7 covered by such license have been purchased from a licensed dealer with-
8 in the city of New York and are being transported out of said city
9 forthwith and immediately from said dealer by the licensee in a locked
10 container during a continuous and uninterrupted trip; or provided that
11 (b) the firearms covered by such license are being transported by the
12 licensee in a locked container and the trip through the city of New York
13 is continuous and uninterrupted; or provided that (c) the firearms
14 covered by such license are carried by armored car security guards
15 transporting money or other valuables, in, to, or from motor vehicles
16 commonly known as armored cars, during the course of their employment;
17 or provided that (d) the licensee is a retired police officer as police
18 officer is defined pursuant to subdivision thirty-four of section 1.20
19 of the criminal procedure law or a retired federal law enforcement offi-
20 cer, as defined in section 2.15 of the criminal procedure law, who has
21 been issued a license by an authorized licensing officer as defined in
22 subdivision ten of section 265.00 of this chapter; provided, further,
23 however, that if such license was not issued in the city of New York it
24 must be marked "Retired Police Officer" or "Retired Federal Law Enforce-
25 ment Officer", as the case may be, and, in the case of a retired officer
26 the license shall be deemed to permit only police or federal law
27 enforcement regulations weapons; or provided that (e) the licensee is a
28 peace officer described in subdivision four of section 2.10 of the crim-
29 inal procedure law and the license, if issued by other than the city of
30 New York, is marked "New York State Tax Department Peace Officer" and in
31 such case the exemption shall apply only to the firearm issued to such
32 licensee by the department of taxation and finance. A license as
33 gunsmith or dealer in firearms shall not be valid outside the city or
34 county, as the case may be, where issued. Notwithstanding any inconsis-
35 tent provision of state or local law or rule or regulation, the premises
36 limitation set forth in any license to have and possess a pistol or
37 revolver in the licensee's dwelling or place of business pursuant to
38 paragraph (a) or (b) of subdivision two of this section shall not
39 prevent the transport of such pistol or revolver directly to or from (i)
40 another dwelling or place of business of the licensee where the licensee
41 is authorized to have and possess such pistol or revolver, (ii) an
42 indoor or outdoor shooting range that is authorized by law to operate as
43 such, (iii) a shooting competition at which the licensee may possess
44 such pistol or revolver consistent with the provisions of subdivision a
45 of section 265.20 of this chapter or consistent with the law applicable
46 at the place of such competition, or (iv) any other location where the
47 licensee is lawfully authorized to have and possess such pistol or
48 revolver; provided however, that during such transport to or from a
49 location specified in clauses (i) through (iv) of this paragraph, the
50 pistol or revolver shall be unloaded and carried in a locked container,
51 and the ammunition therefor shall be carried separately; provided
52 further, however, that a license to have and possess a pistol or revol-
53 ver in the licensee's dwelling or place of business pursuant to para-
54 graph (a) or (b) of subdivision two of this section that is issued by a
55 licensing officer other than the police commissioner of the city of New
56 York shall not authorize transport of a pistol or revolver into the city

1 of New York in the absence of written authorization to do so by the
2 police commissioner of that city. The term "locked container" shall not
3 include the glove compartment or console of a vehicle.

4 § 4. Subdivision 7 of section 400.00 of the penal law, as separately
5 amended by chapters 212 and 669 of the laws of 2022, is amended to read
6 as follows:

7 7. License: form. Any license issued pursuant to this section shall,
8 except in the city of New York, be approved as to form by the super-
9 intendent of state police. A license to carry [~~or~~] and possess a pistol
10 or revolver or to purchase or take possession of a semiautomatic rifle
11 shall have attached the licensee's photograph, and a coupon which shall
12 be removed and retained by any person disposing of a firearm to the
13 licensee. A license to carry [~~or~~] and possess a pistol or revolver shall
14 specify the weapon covered by calibre, make, model, manufacturer's name
15 and serial number, or if none, by any other distinguishing number or
16 identification mark[~~, and shall indicate whether issued to carry on the~~
17 ~~person or possess on the premises, and if on the premises shall also~~
18 ~~specify the place where the licensee shall possess the same~~]. If such
19 license is issued to a noncitizen, or to a person not a citizen of and
20 usually a resident in the state, the licensing officer shall state in
21 the license the particular reason for the issuance and the names of the
22 persons certifying to the good character of the applicant. Any license
23 as gunsmith or dealer in firearms shall mention and describe the prem-
24 ises for which it is issued and shall be valid only for such premises.

25 § 5. Subdivision 9 of section 400.00 of the penal law, as amended by
26 chapter 212 of the laws of 2022, is amended to read as follows:

27 9. License: amendment. Elsewhere than in the city of New York, a
28 person licensed to carry [~~or~~] and possess a pistol or revolver or to
29 purchase or take possession of a semiautomatic rifle may apply at any
30 time to [~~his or her~~] their licensing officer for amendment of [~~his or~~
31 ~~her~~] their license to include one or more such weapons or to cancel
32 weapons held under license. If granted, a record of the amendment
33 describing the weapons involved shall be filed by the licensing officer
34 in the executive department, division of state police, Albany. The
35 superintendent of state police may authorize that such amendment be
36 completed and transmitted to the state police in electronic form.
37 Notification of any change of residence shall be made in writing by any
38 licensee within ten days after such change occurs, and a record of such
39 change shall be inscribed by such licensee on the reverse side of [~~his~~
40 ~~or her~~] their license. Elsewhere than in the city of New York, and in
41 the counties of Nassau and Suffolk, such notification shall be made to
42 the executive department, division of state police, Albany, and in the
43 city of New York to the police commissioner of that city, and in the
44 county of Nassau to the police commissioner of that county, and in the
45 county of Suffolk to the licensing officer of that county, who shall,
46 within ten days after such notification shall be received by [~~him or~~
47 ~~her~~] them, give notice in writing of such change to the executive
48 department, division of state police, at Albany.

49 § 6. Paragraph (a) of subdivision 10 of section 400.00 of the penal
50 law, as amended by chapter 371 of the laws of 2022, is amended to read
51 as follows:

52 (a) Any license for gunsmith or dealer in firearms and, in the city of
53 New York, any license to carry [~~or~~] and possess a pistol or revolver,
54 issued at any time pursuant to this section or prior to the first day of
55 July, nineteen hundred sixty-three and not limited to expire on an
56 earlier date fixed in the license, shall, except as otherwise provided

1 in paragraph (d) of this subdivision, expire not more than three years
2 after the date of issuance. In the counties of Nassau, Suffolk and West-
3 chester, any license to carry [~~or~~] and possess a pistol or revolver,
4 issued at any time pursuant to this section or prior to the first day of
5 July, nineteen hundred sixty-three and not limited to expire on an
6 earlier date fixed in the license, shall expire not more than five years
7 after the date of issuance; however, in the county of Westchester, any
8 such license shall be certified prior to the first day of April, two
9 thousand, in accordance with a schedule to be contained in regulations
10 promulgated by the commissioner of the division of criminal justice
11 services, and every such license shall, except as otherwise provided in
12 paragraph (d) of this subdivision, be recertified every five years ther-
13 eafter. For purposes of this section certification shall mean that the
14 licensee shall provide to the licensing officer the following informa-
15 tion only: current name, date of birth, current address, and the make,
16 model, caliber and serial number of all firearms currently possessed.
17 Such certification information shall be filed by the licensing officer
18 in the same manner as an amendment. Elsewhere than in the city of New
19 York and the counties of Nassau, Suffolk and Westchester, any license to
20 carry [~~or~~] and possess a pistol or revolver, issued at any time pursuant
21 to this section or prior to the first day of July, nineteen hundred
22 sixty-three and not previously revoked or cancelled, shall be in force
23 and effect until revoked as herein provided. Any license not previously
24 cancelled or revoked shall remain in full force and effect for thirty
25 days beyond the stated expiration date on such license. Any application
26 to renew a license that has not previously expired, been revoked or
27 cancelled shall thereby extend the term of the license until disposition
28 of the application by the licensing officer. In the case of a license
29 for gunsmith or dealer in firearms, in counties having a population of
30 less than two hundred thousand inhabitants, photographs and fingerprints
31 shall be submitted on original applications and upon renewal thereafter
32 at three year intervals. Upon satisfactory proof that a currently valid
33 original license has been despoiled, lost or otherwise removed from the
34 possession of the licensee and upon application containing an additional
35 photograph of the licensee, the licensing officer shall issue a dupli-
36 cate license.

37 § 7. Subdivision 12 of section 400.00 of the penal law, as amended by
38 chapter 207 of the laws of 2022, is amended to read as follows:

39 12. Records required of gunsmiths and dealers in firearms. In addition
40 to the requirements set forth in article thirty-nine-BB of the general
41 business law, any person licensed as gunsmith or dealer in firearms
42 shall keep a record book approved as to form, except in the city of New
43 York, by the superintendent of state police. In the record book shall be
44 entered at the time of every transaction involving a firearm the date,
45 name, age, occupation and residence of any person from whom a firearm is
46 received or to whom a firearm is delivered, and the calibre, make,
47 model, manufacturer's name and serial number, or if none, any other
48 distinguishing number or identification mark on such firearm. Before
49 delivering a firearm to any person, the licensee shall require [~~him~~]
50 such person to produce either a license valid under this section to
51 carry [~~or~~] and possess the same, or proof of lawful authority as an
52 exempt person pursuant to section 265.20 of this chapter and either (a)
53 the National Instant Criminal Background Check System (NICS) or its
54 successor has issued a "proceed" response to the licensee, or (b) thirty
55 calendar days have elapsed since the date the licensee contacted NICS to
56 initiate a national instant criminal background check and NICS has not

1 notified the licensee that the transfer of the firearm to such person
2 should be denied. In addition, before delivering a firearm to a peace
3 officer, the licensee shall verify that person's status as a peace offi-
4 cer with the division of state police. After completing the foregoing,
5 the licensee shall remove and retain the attached coupon and enter in
6 the record book the date of such license, number, if any, and name of
7 the licensing officer, in the case of the holder of a license to carry
8 ~~[or]~~ and possess, or the shield or other number, if any, assignment and
9 department, unit or agency, in the case of an exempt person. The
10 original transaction report shall be forwarded to the division of state
11 police within ten days of delivering a firearm to any person, and a
12 duplicate copy shall be kept by the licensee. The superintendent of
13 state police may designate that such record shall be completed and tran-
14 smitted in electronic form. A dealer may be granted a waiver from trans-
15 mitting such records in electronic form if the superintendent determines
16 that such dealer is incapable of such transmission due to technological
17 limitations that are not reasonably within the control of the dealer, or
18 other exceptional circumstances demonstrated by the dealer, pursuant to
19 a process established in regulation, and at the discretion of the super-
20 intendent. Records assembled or collected for purposes of inclusion in
21 the database created pursuant to section 400.02 of this article shall
22 not be subject to disclosure pursuant to article six of the public offi-
23 cers law. The record book shall be maintained on the premises mentioned
24 and described in the license and shall be open at all reasonable hours
25 for inspection by any peace officer, acting pursuant to ~~[his]~~ their
26 special duties, or police officer. In the event of cancellation or revo-
27 cation of the license for gunsmith or dealer in firearms, or discontin-
28 uance of business by a licensee, such record book shall be immediately
29 surrendered to the licensing officer in the city of New York, and in the
30 counties of Nassau and Suffolk, and elsewhere in the state to the execu-
31 tive department, division of state police.

32 § 8. Subdivision 14 of section 400.00 of the penal law, as amended by
33 chapter 429 of the laws of 2023, is amended to read as follows:

34 14. Fees. In the city of New York and the counties of Nassau and West-
35 chester, the annual license fee shall be twenty-five dollars for
36 gunsmiths and fifty dollars for dealers in firearms. In such city, the
37 city council and in the counties of Nassau and Westchester the legisla-
38 tive body of such county shall fix the fee to be charged for a license
39 to carry ~~[or]~~ and possess a pistol or revolver or to purchase or take
40 possession of a semiautomatic rifle and provide for the disposition of
41 such fees. Elsewhere in the state, the licensing officer shall collect
42 and pay into the county treasury the following fees: for each license to
43 carry ~~[or]~~ and possess a pistol or revolver or to purchase or take
44 possession of a semiautomatic rifle, not less than three dollars nor
45 more than ten dollars as may be determined by the legislative body of
46 the county; for each amendment thereto, three dollars, and five dollars
47 in the county of Suffolk; and for each license issued to a gunsmith or
48 dealer in firearms, ten dollars. The fee for a duplicate license shall
49 be five dollars. The fee for processing a license transfer between coun-
50 ties shall be five dollars. The fee for processing a license or renewal
51 thereof for a qualified retired police officer as defined under subdivi-
52 sion thirty-four of section 1.20 of the criminal procedure law, or a
53 qualified retired sheriff, undersheriff, or deputy sheriff of the city
54 of New York as defined under subdivision two of section 2.10 of the
55 criminal procedure law, or a qualified retired bridge and tunnel offi-
56 cer, sergeant or lieutenant of the triborough bridge and tunnel authori-

1 ty as defined under subdivision twenty of section 2.10 of the criminal
2 procedure law, or a qualified retired uniformed court officer in the
3 unified court system, or a qualified retired court clerk in the unified
4 court system in the first and second judicial departments, as defined in
5 paragraphs a and b of subdivision twenty-one of section 2.10 of the
6 criminal procedure law or a retired correction officer as defined in
7 subdivision twenty-five of section 2.10 of the criminal procedure law
8 shall be waived in all counties throughout the state.
9 § 9. This act shall take effect immediately and shall apply to all
10 licenses held and issued on and after such date.