

STATE OF NEW YORK

478

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. OBERACKER, ASHBY, BORRELLO, GALLIVAN -- 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 authorizing the transfer of certain weapons from an estate to an immediate member of the decedent's family; to amend the penal law, in relation to the filing of approved applications for licenses to carry, possess, repair and dispose of firearms; to amend the mental hygiene law, in relation to reports of substantial risk or threat of harm by mental health professionals; to amend the penal law, in relation to licenses to carry, possess, repair and dispose of firearms; and to repeal section 400.03 of the penal law relating to sellers of ammunition

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

- 1 Section 1. Section 400.03 of the penal law is REPEALED.
2 § 2. Paragraph (g) of subdivision 22 of section 265.00 of the penal
3 law is amended by adding a new subparagraph (vii) to read as follows:
4 (vii) any weapon legally possessed and validly registered pursuant to
5 subdivision sixteen-a of section 400.00 of this chapter prior to such
6 person's death and bequeathed or passed through intestacy to an immedi-
7 ate family member of the deceased. Such weapons shall be subject to the
8 provisions of paragraph (h) of this subdivision. For purposes of this
9 subparagraph, the meaning of immediate family member is as defined by
10 subdivision one of section eight hundred ninety-eight of the general
11 business law;
12 § 3. Paragraph (h) of subdivision 22 of section 265.00 of the penal
13 law, as amended by chapter 209 of the laws of 2022, is amended to read
14 as follows:
15 (h) (i) Any weapon defined in paragraph (e) or (f) of this subdivision
16 may only be sold to, exchanged with or disposed of to a purchaser

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

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1 authorized to possess such weapons or to an individual or entity outside
2 of the state provided that any such transfer to an individual or entity
3 outside of the state must be reported to the entity wherein the weapon
4 is registered within seventy-two hours of such transfer. An individual
5 who transfers any such weapon to an individual inside New York state or
6 without complying with the provisions of this paragraph shall be guilty
7 of a class A misdemeanor.

8 (ii) Notwithstanding the provisions of subparagraph (i) of this para-
9 graph, any weapon defined in paragraph (e) or (f) of this subdivision
10 that was legally possessed and validly registered by an individual prior
11 to their death may be transferred by the estate of such individual to
12 one of their immediate family members. For purposes of this subpara-
13 graph, the meaning of immediate family member is as defined by subdivi-
14 sion one of section eight hundred ninety-eight of the general business
15 law.

16 § 4. Subdivision 5 of section 400.00 of the penal law, as amended by
17 chapter 1 of the laws of 2013, subparagraph (iii) of paragraph (e) as
18 amended by chapter 244 of the laws of 2019, is amended to read as
19 follows:

20 5. Filing of approved applications. [~~a~~] The application for any
21 license, if granted, shall be filed by the licensing officer with the
22 clerk of the county of issuance, except that in the city of New York
23 and, in the counties of Nassau and Suffolk, the licensing officer shall
24 designate the place of filing in the appropriate division, bureau or
25 unit of the police department thereof, and in the county of Suffolk the
26 county clerk is hereby authorized to transfer all records or applica-
27 tions relating to firearms to the licensing authority of that county.
28 [~~Except as provided in paragraphs (b) through (f) of this subdivision,~~
29 ~~the name and address~~] The application and any supporting records,
30 including any information contained therein, of any person to whom an
31 application for any license has been granted shall not be a public
32 record and shall not be subject to disclosure pursuant to article six of
33 the public officers law. Upon application by a licensee who has changed
34 [~~his~~] their place of residence such records or applications shall be
35 transferred to the appropriate officer at the licensee's new place of
36 residence. A duplicate copy of such application shall be filed by the
37 licensing officer in the executive department, division of [~~state~~
38 ~~police~~] criminal justice services, Albany, within ten days after iss-
39 uance of the license. The [~~superintendent~~] commissioner of [~~state police~~]
40 criminal justice services may designate that such application shall be
41 transmitted to the division of [~~state police~~] criminal justice services
42 electronically. In the event the [~~superintendent~~] commissioner of the
43 division of [~~state police~~] criminal justice services determines that it
44 lacks any of the records required to be filed with the division, it may
45 request that such records be provided to it by the appropriate clerk,
46 department or authority and such clerk, department or authority shall
47 provide the division with such records. In the event such clerk, depart-
48 ment or authority lacks such records, the division may request the
49 license holder provide information sufficient to constitute such record
50 and such license holder shall provide the division with such informa-
51 tion. Such information shall be limited to the license holder's name,
52 date of birth, gender, race, residential address, social security number
53 and firearms possessed by said license holder. Nothing in this subdivi-
54 sion shall be construed to change the expiration date or term of such
55 licenses if otherwise provided for in law. Records assembled or
56 collected for purposes of inclusion in the database established by this

1 section shall be released pursuant to a court order. Records assembled
2 or collected for purposes of inclusion in the database created pursuant
3 to section 400.02 of this ~~chapter~~ article shall not be subject to
4 disclosure pursuant to article six of the public officers law except
5 that the total number of persons registered in any county of the state
6 may be disclosed without any other identifying information about a
7 registrant.

8 ~~[(b) Each application for a license pursuant to paragraph (a) of this~~
9 ~~subdivision shall include, on a separate written form prepared by the~~
10 ~~division of state police within thirty days of the effective date of the~~
11 ~~chapter of the laws of two thousand thirteen, which amended this~~
12 ~~section, and provided to the applicant at the same time and in the same~~
13 ~~manner as the application for a license, an opportunity for the appli-~~
14 ~~cant to request an exception from his or her application information~~
15 ~~becoming public record pursuant to paragraph (a) of this subdivision.~~
16 ~~Such forms, which shall also be made available to individuals who had~~
17 ~~applied for or been granted a license prior to the effective date of the~~
18 ~~chapter of the laws of two thousand thirteen which amended this section,~~
19 ~~shall notify applicants that, upon discovery that an applicant knowingly~~
20 ~~provided false information, such applicant may be subject to penalties~~
21 ~~pursuant to section 175.30 of this chapter, and further, that his or her~~
22 ~~request for an exception shall be null and void, provided that written~~
23 ~~notice containing such determination is provided to the applicant.~~
24 ~~Further, such forms shall provide each applicant an opportunity to spec-~~
25 ~~ify the grounds on which he or she believes his or her application~~
26 ~~information should not be publicly disclosed. These grounds, which shall~~
27 ~~be identified on the application with a box beside each for checking, as~~
28 ~~applicable, by the applicant, shall be as follows:~~

29 ~~(i) the applicant's life or safety may be endangered by disclosure~~
30 ~~because:~~

31 ~~(A) the applicant is an active or retired police officer, peace offi-~~
32 ~~cer, probation officer, parole officer, or corrections officer;~~

33 ~~(B) the applicant is a protected person under a currently valid order~~
34 ~~of protection;~~

35 ~~(C) the applicant is or was a witness in a criminal proceeding involv-~~
36 ~~ing a criminal charge;~~

37 ~~(D) the applicant is participating or previously participated as a~~
38 ~~juror in a criminal proceeding, or is or was a member of a grand jury;~~
39 ~~or~~

40 ~~(E) the applicant is a spouse, domestic partner or household member of~~
41 ~~a person identified in this subparagraph or subparagraph (ii) of this~~
42 ~~paragraph, specifying which subparagraph or subparagraphs and clauses~~
43 ~~apply.~~

44 ~~(ii) the applicant has reason to believe his or her life or safety may~~
45 ~~be endangered by disclosure due to reasons stated by the applicant.~~

46 ~~(iii) the applicant has reason to believe he or she may be subject to~~
47 ~~unwarranted harassment upon disclosure of such information.~~

48 ~~(c) Each form provided for recertification pursuant to paragraph (b)~~
49 ~~of subdivision ten of this section shall include an opportunity for the~~
50 ~~applicant to request an exception from the information provided on such~~
51 ~~form becoming public record pursuant to paragraph (a) of this subdivi-~~
52 ~~sion. Such forms shall notify applicants that, upon discovery that an~~
53 ~~applicant knowingly provided false information, such applicant may be~~
54 ~~subject to penalties pursuant to section 175.30 of this chapter, and~~
55 ~~further, that his or her request for an exception shall be null and~~
56 ~~void, provided that written notice containing such determination is~~

1 ~~provided to the applicant. Further, such forms shall provide each appli-~~
2 ~~cant an opportunity to either decline to request the grant or continua-~~
3 ~~tion of an exception, or specify the grounds on which he or she believes~~
4 ~~his or her information should not be publicly disclosed. These grounds,~~
5 ~~which shall be identified in the application with a box beside each for~~
6 ~~checking, as applicable, by the applicant, shall be the same as provided~~
7 ~~in paragraph (b) of this subdivision.~~

8 ~~(d) Information submitted on the forms described in paragraph (b) of~~
9 ~~this subdivision shall be exempted from disclosure and maintained by the~~
10 ~~entity retaining such information separate and apart from all other~~
11 ~~records.~~

12 ~~(e) (i) Upon receiving a request for exception from disclosure, the~~
13 ~~licensing officer shall grant such exception, unless the request is~~
14 ~~determined to be null and void, pursuant to paragraph (b) or (c) of this~~
15 ~~subdivision.~~

16 ~~(ii) A request for an exception from disclosure may be submitted at~~
17 ~~any time, including after a license or recertification has been granted.~~

18 ~~(iii) If an exception is sought and granted pursuant to paragraph (b)~~
19 ~~of this subdivision, the application information shall not be public~~
20 ~~record, unless the request is determined to be null and void. If an~~
21 ~~exception is sought and granted pursuant to paragraph (c) of this subdivi-~~
22 ~~sion, the information concerning such recertification application~~
23 ~~shall not be public record, unless the request is determined to be null~~
24 ~~and void. Notwithstanding the foregoing provisions of this subparagraph,~~
25 ~~local and state law enforcement shall, upon request, be granted access~~
26 ~~to and copies of such application information provided that such infor-~~
27 ~~mation obtained by law enforcement pursuant to this subparagraph shall~~
28 ~~not be considered a public record of such law enforcement agency.~~

29 ~~(f) The information of licensees or applicants for a license shall not~~
30 ~~be disclosed to the public during the first one hundred twenty days~~
31 ~~following the effective date of the chapter of the laws of two thousand~~
32 ~~thirteen, which amended this section. After such period, the information~~
33 ~~of those who had applied for or been granted a license prior to the~~
34 ~~preparation of the form for requesting an exception, pursuant to para-~~
35 ~~graph (b) of this subdivision, may be released only if such individuals~~
36 ~~did not file a request for such an exception during the first sixty days~~
37 ~~following such preparation; provided, however, that no information~~
38 ~~contained in an application for licensure or recertification shall be~~
39 ~~disclosed by an entity that has not completed processing any such~~
40 ~~requests received during such sixty days.~~

41 ~~(g) If a request for an exception is determined to be null and void~~
42 ~~pursuant to paragraph (b) or (c) of this subdivision, an applicant may~~
43 ~~request review of such determination pursuant to article seventy eight~~
44 ~~of the civil practice laws and rules. Such proceeding must commence~~
45 ~~within thirty days after service of the written notice containing the~~
46 ~~adverse determination. Notice of the right to commence such a petition,~~
47 ~~and the time period therefor, shall be included in the notice of the~~
48 ~~determination. Disclosure following such a petition shall not be made~~
49 ~~prior to the disposition of such review.]~~

50 § 5. Section 9.46 of the mental hygiene law, as added by chapter 1 of
51 the laws of 2013, subdivision (a) as amended by chapter 208 of the laws
52 of 2022, is amended to read as follows:

53 § 9.46 Reports of substantial risk or threat of harm by mental health
54 professionals.

55 (a) For purposes of this section, the term "mental health profes-
56 sional" shall include a physician, psychiatrist, psychologist, regis-

1 tered nurse, licensed clinical social worker, licensed master social
2 worker, licensed mental health counselor, clinical nurse specialist,
3 certified nurse practitioner, licensed clinical marriage and family
4 therapist, or a licensed professional nurse.

5 (b) Notwithstanding any other law to the contrary, when a mental
6 health professional currently providing treatment services to a person
7 determines, in the exercise of reasonable professional judgment, that
8 such person is likely to engage in conduct that would result in serious
9 harm to self or others, ~~[he or she]~~ such mental health professional
10 shall be required to report, as soon as practicable, to the director of
11 community services, or the director's designee~~[, who shall report to the~~
12 ~~division of criminal justice services whenever he or she agrees that the~~
13 ~~person is likely to engage in such conduct]~~. Any report made by a mental
14 health professional to the director of community services, or the direc-
15 tor's designee shall include current contact information for such person
16 including, but not limited to, the person's: (1) name, (2) mailing
17 address, (3) phone number and (4) email address. The director of commu-
18 nity services or the director's designee shall report to the division of
19 criminal justice services upon a finding that the person is likely to
20 engage in conduct that would result in serious harm to self or others.
21 Information transmitted to the division of criminal justice services
22 shall be limited to names and other non-clinical identifying informa-
23 tion, which may only be used for determining whether a license issued
24 pursuant to section 400.00 of the penal law should be suspended or
25 revoked, or for determining whether a person is ineligible for a license
26 issued pursuant to section 400.00 of the penal law, or is no longer
27 permitted under state or federal law to possess a firearm.

28 (c) The director of community services or the director's designee
29 shall inform such person via written notice when a report regarding the
30 substantial risk or threat of harm posed by the person is sent to the
31 division of criminal justice services. Such notice shall include, but
32 not be limited to:

33 (1) the person's name;

34 (2) notice that a report has been sent to the division of criminal
35 justice services stating that the named person has been deemed likely to
36 engage in conduct that would result in serious harm to self or others;

37 (3) the date the report was sent to the division of criminal justice
38 services;

39 (4) the person's right to submit a petition for relief from disability
40 to the national instant criminal background check system (NICS) appeals
41 office of the office of mental health or NICS appeals office of the
42 office for people with developmental disabilities, as set forth in
43 subdivision (j) of section 7.09 of this title and subdivision (g) of
44 section 13.09 of this chapter and parts five hundred forty-three and six
45 hundred forty-three of article fourteen of the New York code of rules
46 and regulations;

47 (5) contact information for the NICS appeals office of the office of
48 mental hygiene or the NICS appeals office of the office for people with
49 developmental disabilities; and

50 (6) any applicable deadline for submission of a petition for relief
51 from disability.

52 (d) Nothing in this section shall be construed to require a mental
53 health professional to take any action which, in the exercise of reason-
54 able professional judgment, would endanger such mental health profes-
55 sional or increase the danger to a potential victim or victims.

1 ~~(d)~~ (e) The decision of a mental health professional to disclose or
2 not to disclose in accordance with this section, when made reasonably
3 and in good faith, shall not be the basis for any civil or criminal
4 liability of such mental health professional.

5 § 6. Paragraph 2 of subdivision (j) of section 7.09 of the mental
6 hygiene law, as amended by chapter 1 of the laws of 2013, is amended to
7 read as follows:

8 (2) The commissioner shall establish within the office of mental
9 health an administrative process to permit a person who has been or may
10 be disqualified from possessing such a firearm pursuant to 18 USC
11 922(4)(d) or who has been or may be disqualified from continuing to have
12 a license to carry, possess, repair, or dispose of a firearm under
13 section 400.00 of the penal law because such person was involuntarily
14 committed or civilly confined to a facility under the jurisdiction of
15 the commissioner, or who has been the subject of a report submitted by
16 the director of community services or the director's designee to the
17 division of criminal justice services stating that the named person has
18 been deemed likely to engage in conduct that would result in serious
19 harm to self or others pursuant to section 9.46 of this title, to peti-
20 tion for relief from that disability where such person's record and
21 reputation are such that such person will not be likely to act in a
22 manner dangerous to public safety and where the granting of the relief
23 would not be contrary to public safety. The commissioner shall promul-
24 gate regulations to establish the relief from disabilities program,
25 which shall include, but not be limited to, provisions providing for:
26 (i) an opportunity for a disqualified person to petition for relief in
27 writing; (ii) the authority for the agency to require that the petition-
28 er undergo a clinical evaluation and risk assessment; and (iii) a
29 requirement that the agency issue a decision in writing explaining the
30 reasons for a denial or grant of relief. The denial of a petition for
31 relief from disabilities may be reviewed de novo pursuant to the
32 proceedings under article seventy-eight of the civil practice law and
33 rules.

34 § 7. Paragraph 2 of subdivision (g) of section 13.09 of the mental
35 hygiene law, as amended by chapter 1 of the laws of 2013, is amended to
36 read as follows:

37 (2) The commissioner shall establish within the office for people with
38 developmental disabilities an administrative process to permit a person
39 who has been or may be disqualified from possessing such a firearm
40 pursuant to 18 USC 922(4)(d), or who has been or may be disqualified
41 from continuing to have a license to carry, possess, repair, or dispose
42 of a firearm under section 400.00 of the penal law because such person
43 was involuntarily committed or civilly confined to a facility under the
44 jurisdiction of the commissioner, or who has been the subject of a
45 report submitted by the director of community services or the director's
46 designee to the division of criminal justice services stating that the
47 named person has been deemed likely to engage in conduct that would
48 result in serious harm to self or others pursuant to section 9.46 of
49 this chapter, to petition for relief from that disability where such
50 person's record and reputation are such that such person will not be
51 likely to act in a manner dangerous to public safety and where the
52 granting of the relief would not be contrary to public safety. The
53 commissioner shall promulgate regulations to establish the relief from
54 disabilities program, which shall include, but not be limited to,
55 provisions providing for: (i) an opportunity for a disqualified person
56 to petition for relief in writing; (ii) the authority for the agency to

1 require that the petitioner undergo a clinical evaluation and risk
2 assessment; and (iii) a requirement that the agency issue a decision in
3 writing explaining the reasons for a denial or grant of relief. The
4 denial of a petition for relief from disabilities may be reviewed de
5 novo pursuant to the proceedings under article seventy-eight of the
6 civil practice law and rules.

7 § 8. Paragraph (a) of subdivision 3 and subdivisions 4, 7, 9, 10, 16-a
8 and 16-b of section 400.00 of the penal law, paragraph (a) of subdivi-
9 sion 3 and subdivision 9 as amended by chapter 212 of the laws of 2022,
10 subdivisions 4 and 10 as amended by chapter 371 of the laws of 2022,
11 subdivision 7 as separately amended by chapters 212 and 669 of the laws
12 of 2022, subdivisions 16-a and 16-b as added by chapter 1 of the laws of
13 2013 and paragraph (a-1) of subdivision 16-a as added by chapter 98 of
14 the laws of 2013, are amended to read as follows:

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

49 4. Investigation. Before a license is issued or renewed, there shall
50 be an investigation of all statements required in the application by the
51 duly constituted police authorities of the locality where such applica-
52 tion is made, including but not limited to such records as may be acces-
53 sible to the division of [~~state police or division of~~] criminal justice
54 services pursuant to section 400.02 of this article. For that purpose,
55 the records of the appropriate office of the department of mental
56 hygiene concerning previous or present mental illness of the applicant

1 shall be available for inspection by the investigating officer of the
2 police authority. Where the applicant is domiciled in a foreign state,
3 the investigation shall include inquiry of the foreign state for records
4 concerning the previous or present mental illness of the applicant, and,
5 to the extent necessary for inspection by the investigating officer, the
6 applicant shall execute a waiver of confidentiality of such record in
7 such form as may be required by the foreign state. In order to ascertain
8 any previous criminal record, the investigating officer shall take the
9 fingerprints and physical descriptive data in quadruplicate of each
10 individual by whom the application is signed and verified. Two copies of
11 such fingerprints shall be taken on standard fingerprint cards eight
12 inches square, and one copy may be taken on a card supplied for that
13 purpose by the federal bureau of investigation; provided, however, that
14 in the case of a corporate applicant that has already been issued a
15 dealer in firearms license and seeks to operate a firearm dealership at
16 a second or subsequent location, the original fingerprints on file may
17 be used to ascertain any criminal record in the second or subsequent
18 application unless any of the corporate officers have changed since the
19 prior application, in which case the new corporate officer shall comply
20 with procedures governing an initial application for such license. When
21 completed, one standard card shall be forwarded to and retained by the
22 division of criminal justice services in the executive department, at
23 Albany. A search of the files of such division and written notification
24 of the results of the search shall be forwarded to the investigating
25 officer and shall be made without unnecessary delay. Thereafter, such
26 division shall notify the licensing officer and the executive depart-
27 ment, division of [~~state police~~] criminal justice services, Albany, of
28 any criminal record of the applicant filed therein subsequent to the
29 search of its files. A second standard card, or the one supplied by the
30 federal bureau of investigation, as the case may be, shall be forwarded
31 to that bureau at Washington with a request that the files of the bureau
32 be searched and notification of the results of the search be made to the
33 investigating police authority. Of the remaining two fingerprint cards,
34 one shall be filed with the executive department, division of [~~state~~
35 ~~police~~] criminal justice services, Albany, within ten days after issu-
36 ance of the license, and the other shall remain on file with the inves-
37 tigating police authority. No such fingerprints may be inspected by any
38 person other than a peace officer, who is acting pursuant to [~~his or~~
39 ~~her~~] their special duties, or a police officer, except on order of a
40 judge or justice of a court of record either upon notice to the licensee
41 or without notice, as the judge or justice may deem appropriate. Upon
42 completion of the investigation, the police authority shall report the
43 results to the licensing officer without unnecessary delay.

44 7. License: form. Any license issued pursuant to this section shall,
45 except in the city of New York, be approved as to form by the [~~super-~~
46 ~~intendent of state police~~] division of criminal justice services. A
47 license to carry or possess a pistol or revolver or to purchase or take
48 possession of a semiautomatic rifle shall have attached the licensee's
49 photograph, and a coupon which shall be removed and retained by any
50 person disposing of a firearm to the licensee. A license to carry or
51 possess a pistol or revolver shall specify the weapon covered by cali-
52 bre, make, model, manufacturer's name and serial number, or if none, by
53 any other distinguishing number or identification mark, and shall indi-
54 cate whether issued to carry on the person or possess on the premises,
55 and if on the premises shall also specify the place where the licensee
56 shall possess the same. If such license is issued to a noncitizen, or to

1 a person not a citizen of and usually a resident in the state, the
2 licensing officer shall state in the license the particular reason for
3 the issuance and the names of the persons certifying to the good charac-
4 ter of the applicant. Any license as gunsmith or dealer in firearms
5 shall mention and describe the premises for which it is issued and shall
6 be valid only for such premises.

7 9. License: amendment. Elsewhere than in the city of New York, a
8 person licensed to carry or possess a pistol or revolver or to purchase
9 or take possession of a semiautomatic rifle may apply at any time to
10 [~~his or her~~] their licensing officer for amendment of [~~his or her~~] their
11 license to include one or more such weapons or to cancel weapons held
12 under license. If granted, a record of the amendment describing the
13 weapons involved shall be filed by the licensing officer in the execu-
14 tive department, division of [~~state police~~] criminal justice services,
15 Albany. The [~~superintendent of state police~~] division of criminal
16 justice services may authorize that such amendment be completed and
17 transmitted to the [~~state police~~] division in electronic form. Notifica-
18 tion of any change of residence shall be made in writing by any licensee
19 within ten days after such change occurs, and a record of such change
20 shall be inscribed by such licensee on the reverse side of [~~his or her~~]
21 their license. Elsewhere than in the city of New York, and in the coun-
22 ties of Nassau and Suffolk, such notification shall be made to the exec-
23 utive department, division of [~~state police~~] criminal justice services,
24 Albany, and in the city of New York to the police commissioner of that
25 city, and in the county of Nassau to the police commissioner of that
26 county, and in the county of Suffolk to the licensing officer of that
27 county, who shall, within ten days after such notification shall be
28 received by [~~him or her~~] such officer, give notice in writing of such
29 change to the executive department, division of [~~state police~~] criminal
30 justice services, at Albany.

31 10. License: expiration, certification and renewal. (a) Any license
32 for gunsmith or dealer in firearms and, in the city of New York, any
33 license to carry or possess a pistol or revolver, issued at any time
34 pursuant to this section or prior to the first day of July, nineteen
35 hundred sixty-three and not limited to expire on an earlier date fixed
36 in the license, shall, except as otherwise provided in paragraph (d) of
37 this subdivision, expire not more than three years after the date of
38 issuance. In the counties of Nassau, Suffolk and Westchester, any
39 license to carry or possess a pistol or revolver, issued at any time
40 pursuant to this section or prior to the first day of July, nineteen
41 hundred sixty-three and not limited to expire on an earlier date fixed
42 in the license, shall expire not more than five years after the date of
43 issuance; however, in the county of Westchester, any such license shall
44 be certified prior to the first day of April, two thousand, in accord-
45 ance with a schedule to be contained in regulations promulgated by the
46 commissioner of the division of criminal justice services, and every
47 such license shall, except as otherwise provided in paragraph (d) of
48 this subdivision, be recertified every five years thereafter. For
49 purposes of this section certification shall mean that the licensee
50 shall provide to the licensing officer the following information only:
51 current name, date of birth, current address, and the make, model, cali-
52 ber and serial number of all firearms currently possessed. Such certif-
53 ication information shall be filed by the licensing officer in the same
54 manner as an amendment. Elsewhere than in the city of New York and the
55 counties of Nassau, Suffolk and Westchester, any license to carry or
56 possess a pistol or revolver, issued at any time pursuant to this

1 section or prior to the first day of July, nineteen hundred sixty-three
 2 and not previously revoked or cancelled, shall be in force and effect
 3 until revoked as herein provided. Any license not previously cancelled
 4 or revoked shall remain in full force and effect for thirty days beyond
 5 the stated expiration date on such license. Any application to renew a
 6 license that has not previously expired, been revoked or cancelled shall
 7 thereby extend the term of the license until disposition of the applica-
 8 tion by the licensing officer. In the case of a license for gunsmith or
 9 dealer in firearms, in counties having a population of less than two
 10 hundred thousand inhabitants, photographs and fingerprints shall be
 11 submitted on original applications and upon renewal thereafter at three
 12 year intervals. Upon satisfactory proof that a currently valid original
 13 license has been despoiled, lost or otherwise removed from the
 14 possession of the licensee and upon application containing an additional
 15 photograph of the licensee, the licensing officer shall issue a dupli-
 16 cate license.

17 (b) All licensees shall be recertified to the division of [~~state~~
 18 ~~police~~] criminal justice services every five years thereafter, except as
 19 otherwise provided in paragraph (d) of this subdivision. Any license
 20 issued before the effective date of the chapter of the laws of two thou-
 21 sand thirteen which added this paragraph shall be recertified by the
 22 licensee on or before January thirty-first, two thousand eighteen, and
 23 not less than one year prior to such date, the [~~state police~~] division
 24 of criminal justice services shall send a notice to all license holders
 25 who have not recertified by such time. [~~Such recertification shall be in~~
 26 ~~a form as approved by the superintendent of state police, which shall~~
 27 ~~request the license holder's name, date of birth, gender, race, residen-~~
 28 ~~tial address, social security number, firearms possessed by such license~~
 29 ~~holder, email address at the option of the license holder and an affir-~~
 30 ~~mation that such license holder is not prohibited from possessing~~
 31 ~~firearms.] Recertification shall contain the information and shall be in
 32 the form set forth hereinbelow:~~

33 RECERTIFICATION

- 34 1. Name _____
- 35 2. Date of Birth _____
- 36 3. Gender _____
- 37 4. Race _____
- 38 5. Residential Address _____
- 39 _____
- 40 _____
- 41 6. Social Security Number _____
- 42 7. Email Address (optional) _____
- 43 8. List all firearms possessed on license: _____
- 44 _____
- 45 _____
- 46 _____
- 47 _____

48 Upon receipt of the completed recertification form, the licensing offi-
 49 cer will compare the information provided with the information main-
 50 tained by the licensing officer for such license holder, and promptly
 51 notify the license holder of any discrepancies that may exist, and
 52 provide instruction as to applying for an amendment pursuant to subdivi-
 53 sion nine of this section. After the resolution of any pending applica-
 54 tions for amendments, the licensing officer shall retain a copy of the
 55 recertification and a copy shall be filed by the licensing officer in
 56 the executive department, division of criminal justice services, Albany,

1 within ten days. The form may be in an electronic form if so designated
2 by the [~~superintendent of state police~~] division of criminal justice
3 services. Failure to recertify shall act as a revocation of such
4 license. If the [~~New York state police~~] division shall discover as a
5 result of the recertification process that a licensee failed to provide
6 a change of address, the [~~New York state police~~] division of criminal
7 justice services shall not require the licensing officer to revoke such
8 license.

9 (c) A license to purchase or take possession of a semiautomatic rifle
10 as defined in subdivision two of this section shall be recertified to
11 the applicable licensing officer every five years following the issuance
12 of such license. Failure to renew such a license shall be a violation
13 punishable by a fine not to exceed two hundred fifty dollars, and such
14 failure to renew shall be considered by the licensing officer when
15 reviewing future license applications by the license holder pursuant to
16 this chapter.

17 (d) Licenses issued under paragraph (f) of subdivision two of this
18 section shall be recertified or renewed in the same form and manner as
19 otherwise required by this subdivision, provided however, that such
20 licenses shall be recertified or renewed every three years following the
21 issuance of such license. For licenses issued prior to the effective
22 date of this paragraph that were issued more than three years prior to
23 such date, or will expire in less than one year from such date shall be
24 recertified or renewed within one year of such date.

25 16-a. Registration. (a) An owner of a weapon defined in paragraph (e)
26 or (f) of subdivision twenty-two of section 265.00 of this chapter,
27 possessed before the date of the effective date of [~~the~~] chapter one
28 the laws of two thousand thirteen [~~which added this paragraph~~], must
29 make an application to register such weapon with the [~~superintendent of~~
30 ~~state police~~] division of criminal justice services, in the manner
31 provided by the [~~superintendent~~] division of criminal justice services,
32 or by amending a license issued pursuant to this section within one year
33 of the effective date of this subdivision except any weapon defined
34 under subparagraph (vi) of paragraph (g) of subdivision twenty-two of
35 section 265.00 of this chapter transferred into the state may be regis-
36 tered at any time, provided such weapons are registered within thirty
37 days of their transfer into the state. Registration information shall
38 include the registrant's name, date of birth, gender, race, residential
39 address, social security number and a description of each weapon being
40 registered. A registration of any weapon defined under subparagraph (vi)
41 of paragraph (g) of subdivision twenty-two of section 265.00 or a feed-
42 ing device as defined under subdivision twenty-three of section 265.00
43 of this chapter shall be transferable, provided that the seller notifies
44 the [~~state police~~] division of criminal justice services within seven-
45 ty-two hours of the transfer and the buyer provides the [~~state police~~]
46 division of criminal justice services with information sufficient to
47 constitute a registration under this section. Such registration shall
48 not be valid if such registrant is prohibited or becomes prohibited from
49 possessing a firearm pursuant to state or federal law. The [~~superinten-~~
50 ~~dent~~] division of criminal justice services shall determine whether such
51 registrant is prohibited from possessing a firearm under state or feder-
52 al law. Such check shall be limited to determining whether the factors
53 in 18 USC 922 (g) apply or whether a registrant has been convicted of a
54 serious offense as defined in subdivision [~~sixteen-b~~] seventeen of
55 section 265.00 of this chapter, so as to prohibit such registrant from
56 possessing a firearm, and whether a report has been issued pursuant to

1 section 9.46 of the mental hygiene law. All registrants shall recertify
2 to the division of [~~state police~~] criminal justice services every five
3 years thereafter. Failure to recertify shall result in a revocation of
4 such registration.

5 (a-1) Notwithstanding any inconsistent provisions of paragraph (a) of
6 this subdivision, an owner of an assault weapon as defined in subdivi-
7 sion twenty-two of section 265.00 of this chapter, who is a qualified
8 retired New York or federal law enforcement officer as defined in subdivi-
9 sion twenty-five of section 265.00 of this chapter, where such weapon
10 was issued to or purchased by such officer prior to retirement and in
11 the course of [~~his or her~~] their official duties, and for which such
12 officer was qualified by the agency that employed such officer within
13 twelve months prior to [~~his or her~~] their retirement, must register such
14 weapon within sixty days of retirement.

15 (b) The [~~superintendent of state police~~] division of criminal justice
16 services shall create and maintain an internet website to educate the
17 public as to which semiautomatic rifle, semiautomatic shotgun or semiau-
18 tomatic pistol or weapon that are illegal as a result of the enactment
19 of [~~the~~] chapter one of the laws of two thousand thirteen [~~which added~~
20 ~~this paragraph~~], as well as such assault weapons which are illegal
21 pursuant to article two hundred sixty-five of this chapter. Such website
22 shall contain information to assist the public in recognizing the rele-
23 vant features proscribed by such article two hundred sixty-five, as well
24 as which make and model of weapons that require registration.

25 (c) A person who knowingly fails to apply to register such weapon, as
26 required by this section, within one year of the effective date of [~~the~~]
27 chapter one of the laws of two thousand thirteen [~~which added this para-~~
28 ~~graph~~] shall be guilty of a class A misdemeanor and such person who
29 unknowingly fails to validly register such weapon within such one year
30 period shall be given a warning by an appropriate law enforcement
31 authority about such failure and given thirty days in which to apply to
32 register such weapon or to surrender it. A failure to apply or surrender
33 such weapon within such thirty-day period shall result in such weapon
34 being removed by an appropriate law enforcement authority and declared a
35 nuisance.

36 16-b. The cost of the software, programming and interface required to
37 transmit any record that must be electronically transmitted by the deal-
38 er or licensing officer to the division of [~~state police~~] criminal
39 justice services, and any cost borne by the licensing officer to admin-
40 ister or maintain records related to the recertification process by the
41 licensing officer, both pursuant to this chapter shall be borne by the
42 state.

43 § 9. Section 400.02 of the penal law, as amended by chapter 371 of the
44 laws of 2022, is amended to read as follows:

45 § 400.02 Statewide license and record database.

46 1. There shall be a statewide license and record database which shall
47 be created and maintained by the division of [~~state police~~] criminal
48 justice services the cost of which shall not be borne by any munici-
49 pality. Records assembled or collected for purposes of inclusion in such
50 database shall not be subject to disclosure pursuant to article six of
51 the public officers law. All records containing granted license applica-
52 tions from all licensing authorities shall be monthly checked by the
53 division of criminal justice services [~~in conjunction with the division~~
54 ~~of state police~~] against criminal conviction, criminal indictment,
55 mental health, extreme risk protection orders, orders of protection, and
56 all other records as are necessary to determine their continued accuracy

1 as well as whether an individual is no longer a valid license holder.
2 The division of criminal justice services shall also check pending
3 applications made pursuant to this article against such records to
4 determine whether a license may be granted. All state and local agencies
5 shall cooperate with the division of criminal justice services, as
6 otherwise authorized by law, in making their records available for such
7 checks. The division of criminal justice services, upon determining that
8 an individual is ineligible to possess a license, or is no longer a
9 valid license holder, shall notify the applicable licensing official of
10 such determination and such licensing official shall not issue a license
11 or shall revoke such license and any weapons owned or possessed by such
12 individual shall be removed consistent with the provisions of subdivi-
13 sion eleven of section 400.00 of this article. Local and state law
14 enforcement shall have access to such database in the performance of
15 their duties. Records assembled or collected for purposes of inclusion
16 in the database established by this section shall be released pursuant
17 to a court order.

18 2. There shall be a statewide license and record database specific for
19 ammunition sales which shall be created and maintained by the division
20 of [~~state police~~] criminal justice services the cost of which shall not
21 be borne by any municipality no later than thirty days upon designating
22 the division of state police as the point of contact to perform both
23 firearm and ammunition background checks under federal and state law.
24 Records assembled or collected for purposes of inclusion in such data-
25 base shall not be subject to disclosure pursuant to article six of the
26 public officers law. All records containing granted license applications
27 from all licensing authorities shall be monthly checked by the division
28 of criminal justice services [~~in conjunction with the division of state~~
29 ~~police~~] against criminal conviction, criminal indictments, mental
30 health, extreme risk protection orders, orders of protection, and all
31 other records as are necessary to determine their continued accuracy as
32 well as whether an individual is no longer a valid license holder. The
33 division of criminal justice services shall also check pending applica-
34 tions made pursuant to this article against such records to determine
35 whether a license may be granted. All state and local agencies shall
36 cooperate with the division of criminal justice services, as otherwise
37 authorized by law, in making their records available for such checks. No
38 later than thirty days after the [~~superintendent of the state police~~]
39 division certifies that the statewide license and record database estab-
40 lished pursuant to this section and the statewide license and record
41 database established for ammunition sales are operational for the
42 purposes of this section, a dealer in firearms licensed pursuant to
43 section 400.00 of this article, a seller of ammunition as defined in
44 subdivision twenty-four of section 265.00 of this chapter shall not
45 transfer any ammunition to any other person who is not a dealer in
46 firearms as defined in subdivision nine of such section 265.00 or a
47 seller of ammunition as defined in subdivision twenty-four of section
48 265.00 of this chapter, unless:

49 (a) before the completion of the transfer, the licensee or seller
50 contacts the statewide license and record database and provides the
51 database with information sufficient to identify such dealer or seller
52 transferee based on information on the transferee's identification docu-
53 ment as defined in paragraph (c) of this subdivision, as well as the
54 amount, caliber, manufacturer's name and serial number, if any, of such
55 ammunition;

1 (b) the licensee or seller is provided with a unique identification
2 number; and

3 (c) the transferor has verified the identity of the transferee by
4 examining a valid state identification document of the transferee issued
5 by the department of motor vehicles or if the transferee is not a resi-
6 dent of the state of New York, a valid identification document issued by
7 the transferee's state or country of residence containing a photograph
8 of the transferee.

9 § 10. This act shall take effect immediately; provided that:

10 1. section four of this act shall take effect on the first of November
11 next succeeding the date on which it shall have become a law; and

12 2. sections five, six and seven of this act shall take effect on the
13 ninetieth day after it shall have become a law.