

# STATE OF NEW YORK

6535

2025-2026 Regular Sessions

## IN SENATE

March 17, 2025

Introduced by Sen. SANDERS -- 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 prohibiting persons named on the No Fly List maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation from obtaining or renewing a license to carry, possess, repair and dispose of firearms

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

1 Section 1. Subdivision 1 of section 400.00 of the penal law, as separately amended by chapters 371 and 669 of the laws of 2022, is amended  
2 to read as follows:  
3  
4 1. Eligibility. No license shall be issued or renewed pursuant to this  
5 section except by the licensing officer, and then only after investigation and finding that all statements in a proper application for a  
6 license are true. No license shall be issued or renewed except for an  
7 applicant (a) twenty-one years of age or older, provided, however, that  
8 where such applicant has been honorably discharged from the United  
9 States army, navy, marine corps, air force or coast guard, or the  
10 national guard of the state of New York, no such age restriction shall  
11 apply; (b) of good moral character, which, for the purposes of this  
12 article, shall mean having the essential character, temperament and  
13 judgement necessary to be entrusted with a weapon and to use it only in  
14 a manner that does not endanger oneself or others; (c) who has not been  
15 convicted anywhere of a felony or a serious offense or who is not the  
16 subject of an outstanding warrant of arrest issued upon the alleged  
17 commission of a felony or serious offense; (d) who is not a fugitive  
18 from justice; (e) who is not an unlawful user of or addicted to any  
19 controlled substance as defined in section 21 U.S.C. 802; (f) who being  
20 a noncitizen (i) is not illegally or unlawfully in the United States or  
21 (ii) has not been admitted to the United States under a nonimmigrant  
22 visa subject to the exception in 18 U.S.C. 922(y)(2); (g) who has not  
23

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

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1 been discharged from the Armed Forces under dishonorable conditions; (h)  
2 who, having been a citizen of the United States, has not renounced [~~his~~  
3 ~~or her~~] such applicant's citizenship; (i) who has stated whether [~~he or~~  
4 ~~she~~] such applicant has ever suffered any mental illness; (j) who has  
5 not been involuntarily committed to a facility under the jurisdiction of  
6 an office of the department of mental hygiene pursuant to article nine  
7 or fifteen of the mental hygiene law, article seven hundred thirty or  
8 section 330.20 of the criminal procedure law or substantially similar  
9 laws of any other state, section four hundred two or five hundred eight  
10 of the correction law, section 322.2 or 353.4 of the family court act,  
11 has not been civilly confined in a secure treatment facility pursuant to  
12 article ten of the mental hygiene law, or has not been the subject of a  
13 report made pursuant to section 9.46 of the mental hygiene law; (k) who  
14 has not had a license revoked or who is not under a suspension or inel-  
15 igibility order issued pursuant to the provisions of section 530.14 of  
16 the criminal procedure law or section eight hundred forty-two-a of the  
17 family court act; (l) in the county of Westchester, who has successfully  
18 completed a firearms safety course and test as evidenced by a certifi-  
19 cate of completion issued in [~~his or her~~] such applicant's name and  
20 endorsed and affirmed under the penalties of perjury by a duly author-  
21 ized instructor, except that: (i) persons who are honorably discharged  
22 from the United States army, navy, marine corps or coast guard, or of  
23 the national guard of the state of New York, and produce evidence of  
24 official qualification in firearms during the term of service are not  
25 required to have completed those hours of a firearms safety course  
26 pertaining to the safe use, carrying, possession, maintenance and stor-  
27 age of a firearm; (ii) persons who were licensed to possess a pistol or  
28 revolver prior to the effective date of this paragraph are not required  
29 to have completed a firearms safety course and test, provided, however,  
30 persons with a license issued under paragraph (f) of subdivision two of  
31 this section prior to the effective date of the laws of two thousand  
32 twenty-two which amended this paragraph shall be required to complete  
33 the training required by subdivision nineteen of this section prior to  
34 the recertification of such license; and (iii) persons applying for a  
35 license under paragraph (f) of subdivision two of this section on or  
36 after the effective date of the chapter of the laws of two thousand  
37 twenty-two which amended this paragraph who shall be required to  
38 complete the training required under subdivision nineteen of this  
39 section for such license; (m) who has not had a guardian appointed for  
40 [~~him or her~~] such applicant pursuant to any provision of state law,  
41 based on a determination that as a result of marked subnormal intelli-  
42 gence, mental illness, incompetency, incapacity, condition or disease,  
43 [~~he or she~~] such applicant lacks the mental capacity to contract or  
44 manage [~~his or her~~] such applicant's own affairs; (n) who is not named  
45 on the No Fly List maintained by the Terrorist Screening Center adminis-  
46 tered by the Federal Bureau of Investigation; (o) for a license issued  
47 under paragraph (f) of subdivision two of this section, that the appli-  
48 cant has not been convicted within five years of the date of the appli-  
49 cation of any of the following: (i) assault in the third degree, as  
50 defined in section 120.00 of this chapter; (ii) misdemeanor driving  
51 while intoxicated, as defined in section eleven hundred ninety-two of  
52 the vehicle and traffic law; or (iii) menacing, as defined in section  
53 120.15 of this chapter; and [~~(e)~~] (p) for a license issued under para-  
54 graph (f) of subdivision two of this section, the applicant shall meet  
55 in person with the licensing officer for an interview and shall, in  
56 addition to any other information or forms required by the license

1 application submit to the licensing officer the following information:  
2 (i) names and contact information for the applicant's current spouse, or  
3 domestic partner, any other adults residing in the applicant's home,  
4 including any adult children of the applicant, and whether or not there  
5 are minors residing, full time or part time, in the applicant's home;  
6 (ii) names and contact information of no less than four character refer-  
7 ences who can attest to the applicant's good moral character and that  
8 such applicant has not engaged in any acts, or made any statements that  
9 suggest they are likely to engage in conduct that would result in harm  
10 to themselves or others; (iii) certification of completion of the train-  
11 ing required in subdivision nineteen of this section; (iv) a list of  
12 former and current social media accounts of the applicant from the past  
13 three years to confirm the information regarding the applicants charac-  
14 ter and conduct as required in subparagraph (ii) of this paragraph; and  
15 (v) such other information required by the licensing officer that is  
16 reasonably necessary and related to the review of the licensing applica-  
17 tion.

18 § 2. Subdivision 4 of section 400.00 of the penal law, as amended by  
19 chapter 371 of the laws of 2022, is amended to read as follows:

20 4. Investigation. Before a license is issued or renewed, there shall  
21 be an investigation of all statements required in the application by the  
22 duly constituted police authorities of the locality where such applica-  
23 tion is made, including but not limited to such records as may be acces-  
24 sible to the division of state police or division of criminal justice  
25 services pursuant to section 400.02 of this article. For that purpose,  
26 the records of the appropriate office of the department of mental  
27 hygiene concerning previous or present mental illness of the applicant  
28 shall be available for inspection by the investigating officer of the  
29 police authority. Where the applicant is domiciled in a foreign state,  
30 the investigation shall include inquiry of the foreign state for records  
31 concerning the previous or present mental illness of the applicant, and,  
32 to the extent necessary for inspection by the investigating officer, the  
33 applicant shall execute a waiver of confidentiality of such record in  
34 such form as may be required by the foreign state. In order to ascertain  
35 any previous criminal record, the investigating officer shall take the  
36 fingerprints and physical descriptive data in quadruplicate of each  
37 individual by whom the application is signed and verified. Two copies of  
38 such fingerprints shall be taken on standard fingerprint cards eight  
39 inches square, and one copy may be taken on a card supplied for that  
40 purpose by the federal bureau of investigation; provided, however, that  
41 in the case of a corporate applicant that has already been issued a  
42 dealer in firearms license and seeks to operate a firearm dealership at  
43 a second or subsequent location, the original fingerprints on file may  
44 be used to ascertain any criminal record in the second or subsequent  
45 application unless any of the corporate officers have changed since the  
46 prior application, in which case the new corporate officer shall comply  
47 with procedures governing an initial application for such license. When  
48 completed, one standard card shall be forwarded to and retained by the  
49 division of criminal justice services in the executive department, at  
50 Albany. A search of the files of such division and written notification  
51 of the results of the search shall be forwarded to the investigating  
52 officer and shall be made without unnecessary delay. Thereafter, such  
53 division shall notify the licensing officer and the executive depart-  
54 ment, division of state police, Albany, of any criminal record of the  
55 applicant filed therein subsequent to the search of its files. A second  
56 standard card, or the one supplied by the federal bureau of investi-

1 gation, as the case may be, shall be forwarded to that bureau at Wash-  
2 ington with a request that the files of the bureau be searched and  
3 notification of the results of the search be made to the investigating  
4 police authority, including the No Fly List maintained by the Terrorist  
5 Screening Center. Of the remaining two fingerprint cards, one shall be  
6 filed with the executive department, division of state police, Albany,  
7 within ten days after issuance of the license, and the other shall  
8 remain on file with the investigating police authority. No such finger-  
9 prints may be inspected by any person other than a peace officer, who is  
10 acting pursuant to [~~his or her~~] such peace officer's special duties, or  
11 a police officer, except on order of a judge or justice of a court of  
12 record either upon notice to the licensee or without notice, as the  
13 judge or justice may deem appropriate. Upon completion of the investi-  
14 gation, the police authority shall report the results to the licensing  
15 officer without unnecessary delay.

16 § 3. This act shall take effect immediately.