

STATE OF NEW YORK

801--A

2009-2010 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 7, 2009

Introduced by M. of A. PAULIN, COOK, SCHIMEL -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, BRADLEY, BRENNAN, CYMBROWITZ, HOOPER, JOHN, PERRY, PHEFFER, WEINSTEIN -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to providing for the expiration and renewal of certain firearms licenses outside the city of New York

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

1 Section 1. Subdivision 10 of section 400.00 of the penal law, as
2 amended by chapter 447 of the laws of 1997, is amended to read as
3 follows:

4 10. License: expiration[~~7, certification~~] and renewal. Any license for
5 gunsmith or dealer in firearms and, in the city of New York, any license
6 to carry or possess a pistol or revolver, issued at any time pursuant to
7 this section or prior to the first day of July, nineteen hundred sixty-
8 three and not limited to expire on an earlier date fixed in the license,
9 shall expire not more than three years after the date of issuance. [~~In
10 the counties of Nassau, Suffolk and Westchester, any license to carry or
11 possess a pistol or revolver, issued at any time pursuant to this
12 section or prior to the first day of July, nineteen hundred sixty three
13 and not limited to expire on an earlier date fixed in the license, shall
14 expire not more than five years after the date of issuance; however, in
15 the county of Westchester, any such license shall be certified prior to
16 the first day of April, two thousand, in accordance with a schedule to
17 be contained in regulations promulgated by the commissioner of the divi-
18 sion of criminal justice services, and every such license shall be
19 recertified every five years thereafter. For purposes of this section
20 certification shall mean that the licensee shall provide to the licens-]~~

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

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

32 § 2. This act shall take effect immediately.

BILL NUMBER: A801A

SPONSOR: Paulin (MS)

TITLE OF BILL: An act to amend the penal law, in relation to provid-
ing for the expiration and renewal of certain firearms licenses outside
the city of New York

PURPOSE: Requires the re-licensing and recertification, of firearm
licenses after five years.

SUMMARY OF SPECIFIC PROVISIONS: Section one amends section 400.00,
subdivision 10 of the penal law by extending license expiration, certif-
ication and renewal regulations to any county, outside Nassau county,
Suffolk county, and the counties comprising the city of New York. In
accordance with a schedule to be contained in regulations, which shall
be promulgated by the commissioner of the division of criminal justice
services, all handgun licenses will have to be renewed and holders
recertified every five years. Section two defines the date by which this
act shall take effect.

JUSTIFICATION: Currently, New York State requires handgun licenses in all of its counties, and there is an investigative process when someone applies for such a license. Only in New York City and the counties of Nassau, Suffolk and Westchester do such licenses require periodic renewal. License recertification is an important way to ensure that records are updated and that handguns do not fall into the wrong hands. It is illegal for a person convicted of a felony, a domestic violence misdemeanor, suffering from a mental incapacity or subject to an order of protection, to possess firearms, handgun licenses are not automatically revoked when a person is barred from legal possession. License renewal and recertification ensures that vital information will be uncovered by law enforcement and out public safety will be enhanced. Therefore, it is critically important that our state licensing system is thorough and that handguns be accounted for and kept out of the dangerous hands.

PRIOR LEGISLATIVE HISTORY: A.7304, 2007 and 2008 Referred to Codes Committee A.1012, 2005 and 2006 Referred to Codes Committee A.5071, 2004 Referred to codes committee

FISCAL IMPLICATIONS: Undetermined.

EFFECTIVE DATE: Immediately.