

S T A T E O F N E W Y O R K

S. 2230

A.

2388

2013-2014 Regular Sessions
S E N A T E - A S S E M B L Y
January 14, 2013

IN SENATE -- Introduced by Sens. KLEIN, SMITH -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by M. of A. SILVER, LENTOL, ORTIZ, MORELLE, FARRELL, WEINSTEIN, CAMARA, HOOPER, O'DONNELL, TITONE, PAULIN, MOYA, GLICK, WRIGHT, SCHIMEL, GOTTFRIED, ROSENTHAL, KAVANAGH, STECK, WEPRIN -- Multi-Sponsored by -- M. of A. ABINANTI, BOYLAND, BRENNAN, BROOK-KRASNY, BUCHWALD, CASTRO, COLTON, DINOWITZ, ENGLEBRIGHT, ESPI-
MARKEY, NAL, FAHY, JACOBS, JAFFEE, KELLNER, KIM, LAVINE, LIFTON, MAYER, MILLMAN, MOSLEY, OTIS, ROSA, ROZIC -- (at request of the Governor) -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, the correction law, the family court act, the executive law, the general business law, the judiciary law, the mental hygiene law, the penal law and the surrogate's court procedure act, in relation to suspension and revocation of firearms licenses; private sale or disposal of firearms, rifles or shotguns and establishing a minimum age to possess a firearm; to amend the family court act, the domestic relations law and the criminal procedure law, in relation to providing for the mandatory suspension or revocation of the firearms license of a person against whom an order of protection or a temporary order of protection has been issued under certain circumstances, or upon violation of any such order; to amend the penal law, in relation to community guns and the criminal sale of a firearm and in relation to the definitions of aggravated and first degree murder; to amend chapter 408 of the laws of 1999 consti-

tuting Kendra's Law, in relation to extending the expiration
thereof;
and to amend the education law, in relation to the New York
state
school safety improvement teams; and in relation to building
aid for
metal detectors and safety devices
THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND
ASSEM-

BLY, DO ENACT AS FOLLOWS:
EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in
brackets
[] is old law to be omitted.

LBD12007-03-3

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1 Section 1. Section 330.20 of the criminal procedure law is
amended by
2 adding a new subdivision 2-a to read as follows:
3 2-A. FIREARM, RIFLE OR SHOTGUN SURRENDER ORDER. UPON
ENTRY OF A
4 VERDICT OF NOT RESPONSIBLE BY REASON OF MENTAL DISEASE OR
DEFECT, OR
5 UPON THE ACCEPTANCE OF A PLEA OF NOT RESPONSIBLE BY REASON OF
MENTAL
6 DISEASE OR DEFECT, OR UPON A FINDING THAT THE DEFENDANT IS AN
INCAPACI-
7 TATED PERSON PURSUANT TO ARTICLE SEVEN HUNDRED THIRTY OF THIS
CHAPTER,
8 THE COURT SHALL REVOKE THE DEFENDANT'S FIREARM LICENSE, IF ANY,
INQUIRE
9 OF THE DEFENDANT AS TO THE EXISTENCE AND LOCATION OF ANY FIREARM,
RIFLE
10 OR SHOTGUN OWNED OR POSSESSED BY SUCH DEFENDANT AND DIRECT THE
SURRENDER
11 OF SUCH FIREARM, RIFLE OR SHOTGUN PURSUANT TO SUBPARAGRAPH (F) OF
PARA-
12 GRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION
SIX OF
13 SECTION 400.05 OF THE PENAL LAW.
14 S 2. The criminal procedure law is amended by adding a new
section
15 380.96 to read as follows:
16 S 380.96 OBLIGATION OF SENTENCING COURT PURSUANT TO ARTICLE FOUR
HUNDRED
17 OF THE PENAL LAW.
18 UPON JUDGMENT OF CONVICTION OF ANY OFFENSE WHICH WOULD
REQUIRE THE
19 SEIZURE OF FIREARMS, SHOTGUNS OR RIFLES FROM AN INDIVIDUAL SO
CONVICTED,
20 AND THE REVOCATION OF ANY LICENSE OR REGISTRATION ISSUED
PURSUANT TO
21 ARTICLE FOUR HUNDRED OF THE PENAL LAW, THE JUDGE PRONOUNCING
SENTENCE
22 SHALL DEMAND SURRENDER OF ANY SUCH LICENSE OR REGISTRATION
AND ALL

23 FIREARMS, SHOTGUNS AND RIFLES. THE FAILURE TO SO DEMAND SURRENDER
SHALL
24 NOT EFFECT THE VALIDITY OF ANY REVOCATION PURSUANT TO ARTICLE
FOUR
25 HUNDRED OF THE PENAL LAW.
26 S 3. Section 404 of the correction law is amended by adding
a new
27 subdivision 3 to read as follows:
28 3. WITHIN A REASONABLE PERIOD PRIOR TO DISCHARGE OF AN INMATE
COMMIT-
29 TED FROM A STATE CORRECTIONAL FACILITY FROM A HOSPITAL IN THE
DEPARTMENT
30 OF MENTAL HYGIENE TO THE COMMUNITY, THE DIRECTOR SHALL ENSURE
THAT A
31 CLINICAL ASSESSMENT HAS BEEN COMPLETED TO DETERMINE WHETHER THE
INMATE
32 MEETS THE CRITERIA FOR ASSISTED OUTPATIENT TREATMENT PURSUANT TO
SUBDI-
33 VISION (C) OF SECTION 9.60 OF THE MENTAL HYGIENE LAW. IF, AS A
RESULT
34 OF SUCH ASSESSMENT, THE DIRECTOR DETERMINES THAT THE INMATE
MEETS SUCH
35 CRITERIA, PRIOR TO DISCHARGE THE DIRECTOR OF THE HOSPITAL SHALL
EITHER
36 PETITION FOR A COURT ORDER PURSUANT TO SECTION 9.60 OF THE
MENTAL
37 HYGIENE LAW, OR REPORT IN WRITING TO THE DIRECTOR OF COMMUNITY
SERVICES
38 OF THE LOCAL GOVERNMENTAL UNIT IN WHICH THE INMATE IS EXPECTED TO
RESIDE
39 SO THAT AN INVESTIGATION MAY BE CONDUCTED PURSUANT TO SECTION
9.47 OF
40 THE MENTAL HYGIENE LAW.
41 S 4. Subdivisions 1, 2 and 3 of section 842-a of the family
court act,
42 as added by chapter 644 of the laws of 1996, paragraph (a) of
subdivi-
43 sion 1 as amended by chapter 434 of the laws of 2000, the opening
para-
44 graph of subdivision 3 as amended by chapter 597 of the laws of
1998,
45 paragraph (a) of subdivision 3 as amended by chapter 635 of the
laws of
46 1999, are amended to read as follows:
47 1. [Mandatory and permissive suspension] SUSPENSION of
firearms
48 license and ineligibility for such a license upon the
issuance of a
49 temporary order of protection. Whenever a temporary order of
protection
50 is issued pursuant to section eight hundred twenty-eight of
this
51 article, OR PURSUANT TO ARTICLE FOUR, FIVE, SIX, SEVEN OR TEN
OF THIS
52 ACT:
53 (a) the court shall suspend any such existing license possessed
by the

54 respondent, order the respondent ineligible for such a
license, and

55 order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF
PARAGRAPH

56 ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF
SECTION

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1 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed
where

2 the court receives information that gives the court good
cause to

3 believe that: (i) the respondent has a prior conviction of any
violent

4 felony offense as defined in section 70.02 of the penal law;
(ii) the

5 respondent has previously been found to have willfully failed to
obey a

6 prior order of protection and such willful failure involved
(A) the

7 infliction of [serious] physical injury, as defined in subdivision
[ten]

8 NINE of section 10.00 of the penal law, (B) the use or threatened
use of

9 a deadly weapon or dangerous instrument as those terms are
defined in

10 subdivisions twelve and thirteen of section 10.00 of the penal
law, or

11 (C) behavior constituting any violent felony offense as
defined in

12 section 70.02 of the penal law; or (iii) the respondent has a
prior

13 conviction for stalking in the first degree as defined in section
120.60

14 of the penal law, stalking in the second degree as defined in
section

15 120.55 of the penal law, stalking in the third degree as
defined in

16 section 120.50 of the penal law or stalking in the fourth
degree as

17 defined in section 120.45 of such law; and

18 (b) the court [may] SHALL where the court finds a
substantial risk

19 that the respondent may use or threaten to use a firearm
unlawfully

20 against the person or persons for whose protection the temporary
order

21 of protection is issued, suspend any such existing license
possessed by

22 the respondent, order the respondent ineligible for such a
license, and

23 order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF
PARAGRAPH

24 ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF
SECTION

25 400.05 OF THE PENAL LAW, of any or all firearms owned or
possessed.

26 2. [Mandatory and permissive revocation] REVOCATION or
suspension of
27 firearms license and ineligibility for such a license upon the
issuance
28 of an order of protection. Whenever an order of protection is
issued
29 pursuant to section eight hundred forty-one of this part, OR
PURSUANT TO
30 ARTICLE FOUR, FIVE, SIX, SEVEN OR TEN OF THIS ACT:
31 (a) the court shall revoke any such existing license possessed
by the
32 respondent, order the respondent ineligible for such a
license, and
33 order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF
PARAGRAPH
34 ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF
SECTION
35 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed
where
36 the court finds that the conduct which resulted in the issuance
of the
37 order of protection involved (i) the infliction of [serious]
physical
38 injury, as defined in subdivision [ten] NINE of section 10.00
of the
39 penal law, (ii) the use or threatened use of a deadly weapon or
danger-
40 ous instrument as those terms are defined in subdivisions
twelve and
41 thirteen of section 10.00 of the penal law, or (iii) behavior
constitut-
42 ing any violent felony offense as defined in section 70.02 of the
penal
43 law; and
44 (b) the court [may] SHALL, where the court finds a
substantial risk
45 that the respondent may use or threaten to use a firearm
unlawfully
46 against the person or persons for whose protection the
order of
47 protection is issued, (i) revoke any such existing license
possessed by
48 the respondent, order the respondent ineligible for such a
license and
49 order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF
PARAGRAPH
50 ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF
SECTION
51 400.05 OF THE PENAL LAW, of any or all firearms owned or
possessed or
52 (ii) suspend or continue to suspend any such existing license
possessed
53 by the respondent, order the respondent ineligible for such a
license,
54 and order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF
PARA-

55 GRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION
SIX OF

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A. 2388

1 SECTION 400.05 OF THE PENAL LAW, of any or all firearms
owned or

2 possessed.

3 3. [Mandatory and permissive revocation] REVOCATION or
suspension of

4 firearms license and ineligibility for such a license upon a
finding of

5 a willful failure to obey an order of protection OR TEMPORARY
ORDER OF

6 PROTECTION. Whenever a respondent has been found, pursuant to
section

7 eight hundred forty-six-a of this part to have willfully failed
to obey

8 an order of protection OR TEMPORARY ORDER OF PROTECTION issued
PURSUANT

9 TO THIS ACT OR THE DOMESTIC RELATIONS LAW, OR by this court or [an
order

10 of protection issued] by a court of competent jurisdiction in
another

11 state, territorial or tribal jurisdiction, in addition to any
other

12 remedies available pursuant to section eight hundred forty-six-a
of this

13 part:

14 (a) the court shall revoke any such existing license possessed
by the

15 respondent, order the respondent ineligible for such a
license, and

16 order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF
PARAGRAPH

17 ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF
SECTION

18 400.05 OF THE PENAL LAW, of any or all firearms owned or possessed
where

19 the willful failure to obey such order involves (i) the
infliction of

20 [serious] physical injury, as defined in subdivision [ten]
NINE of

21 section 10.00 of the penal law, (ii) the use or threatened
use of a

22 deadly weapon or dangerous instrument as those terms are
defined in

23 subdivisions twelve and thirteen of section 10.00 of the penal
law, or

24 (iii) behavior constituting any violent felony offense as
defined in

25 section 70.02 of the penal law; or (iv) behavior constituting
stalking

26 in the first degree as defined in section 120.60 of the penal
law,

27 stalking in the second degree as defined in section 120.55 of the
penal

28 law, stalking in the third degree as defined in section 120.50
of the
29 penal law or stalking in the fourth degree as defined in section
120.45
30 of such law; and
31 (b) the court [may] SHALL where the court finds a substantial
risk
32 that the respondent may use or threaten to use a firearm
unlawfully
33 against the person or persons for whose protection the
order of
34 protection was issued, (i) revoke any such existing license
possessed by
35 the respondent, order the respondent ineligible for such a
license,
36 whether or not the respondent possesses such a license, and
order the
37 immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH
ONE OF
38 SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION
400.05 OF
39 THE PENAL LAW, of any or all firearms owned or possessed or (ii)
suspend
40 any such existing license possessed by the respondent,
order the
41 respondent ineligible for such a license, and order the
immediate
42 surrender of any or all firearms owned or possessed.
43 S 5. Section 846-a of the family court act, as amended by
chapter 597
44 of the laws of 1998, is amended to read as follows:
45 S 846-a. Powers on failure to obey order. If a respondent is
brought
46 before the court for failure to obey any lawful order issued under
this
47 article or an order of protection OR TEMPORARY ORDER OF
PROTECTION
48 issued PURSUANT TO THIS ACT OR ISSUED by a court of competent
jurisdic-
49 tion of another state, territorial or tribal jurisdiction [in a
proceed-
50 ing] and if, after hearing, the court is satisfied by competent
proof
51 that the respondent has willfully failed to obey any such
order, the
52 court may modify an existing order OR TEMPORARY ORDER OF
PROTECTION to
53 add reasonable conditions of behavior to the existing
order [of
54 protection], make a new order of protection in accordance with
section
55 eight hundred forty-two OF THIS PART, may order the forfeiture of
bail
56 in a manner consistent with article five hundred forty of the
criminal

1 procedure law if bail has been ordered pursuant to this act, may
order
2 the respondent to pay the petitioner's reasonable and necessary
counsel
3 fees in connection with the violation petition where the court
finds
4 that the violation of its order was willful, and may commit the
respondent-
5 ent to jail for a term not to exceed six months. Such commitment
may be
6 served upon certain specified days or parts of days as the
court may
7 direct, and the court may, at any time within the term of such
sentence,
8 revoke such suspension and commit the respondent for the
remainder of
9 the original sentence, or suspend the remainder of such sentence.
If the
10 court determines that the willful failure to obey such order
involves
11 violent behavior constituting the crimes of menacing, reckless
endanger-
12 ment, assault or attempted assault and if such a respondent is
licensed
13 to carry, possess, repair and dispose of firearms pursuant to
section
14 400.00 of the penal law, the court may also immediately revoke
such
15 license and may arrange for the immediate surrender PURSUANT TO
SUBPARA-
16 GRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND
SUBDI-
17 VISION SIX OF SECTION 400.05 OF THE PENAL LAW, and disposal
of any
18 firearm such respondent owns or possesses. If the willful
failure to
19 obey such order involves the infliction of [serious] physical
injury as
20 defined in subdivision [ten] NINE of section 10.00 of the penal
law or
21 the use or threatened use of a deadly weapon or dangerous
instrument, as
22 those terms are defined in subdivisions twelve and thirteen of
section
23 10.00 of the penal law, such revocation and immediate surrender
PURSUANT
24 TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION
265.20
25 AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW SIX and
disposal
26 of any firearm owned or possessed by respondent shall be
mandatory,
27 pursuant to subdivision eleven of section 400.00 of the penal law.
28 S 6. The family court act is amended by adding a new section
446-a to
29 read as follows:

30 S 446-A. FIREARMS; SURRENDER AND LICENSE SUSPENSION,
REVOCATION AND
31 INELIGIBILITY. UPON THE ISSUANCE OF AN ORDER OF PROTECTION OR
TEMPORARY
32 ORDER OF PROTECTION, OR UPON A VIOLATION OF SUCH ORDER, THE COURT
SHALL
33 MAKE A DETERMINATION REGARDING THE SUSPENSION AND REVOCATION
OF A
34 LICENSE TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM OR
FIREARMS,
35 INELIGIBILITY FOR SUCH A LICENSE AND THE SURRENDER OF
FIREARMS IN
36 ACCORDANCE WITH SECTION EIGHT HUNDRED FORTY-TWO-A OF THIS ACT.

37 S 7. The family court act is amended by adding a new section
552 to
38 read as follows:

39 S 552. FIREARMS; SURRENDER AND LICENSE SUSPENSION,
REVOCATION AND
40 INELIGIBILITY. UPON THE ISSUANCE OF AN ORDER OF PROTECTION OR
TEMPORARY
41 ORDER OF PROTECTION, OR UPON A VIOLATION OF SUCH ORDER, THE COURT
SHALL
42 MAKE A DETERMINATION REGARDING THE SUSPENSION AND
REVOCATION OF A
43 LICENSE TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM OR
FIREARMS,
44 INELIGIBILITY FOR SUCH A LICENSE AND THE SURRENDER OF
FIREARMS IN
45 ACCORDANCE WITH SECTION EIGHT HUNDRED FORTY-TWO-A OF THIS ACT.

46 S 8. The family court act is amended by adding a new section
656-a to
47 read as follows:

48 S 656-A. FIREARMS; SURRENDER AND LICENSE SUSPENSION,
REVOCATION AND
49 INELIGIBILITY. UPON THE ISSUANCE OF AN ORDER OF PROTECTION OR
TEMPORARY
50 ORDER OF PROTECTION, OR UPON A VIOLATION OF SUCH ORDER, THE COURT
SHALL
51 MAKE A DETERMINATION REGARDING THE SUSPENSION AND
REVOCATION OF A
52 LICENSE TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM OR
FIREARMS,
53 INELIGIBILITY FOR SUCH A LICENSE AND THE SURRENDER OF
FIREARMS IN
54 ACCORDANCE WITH SECTION EIGHT HUNDRED FORTY-TWO-A OF THIS ACT.

55 S 9. The family court act is amended by adding a new section
780-a to
56 read as follows:

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1 S 780-A. FIREARMS; SURRENDER AND LICENSE SUSPENSION,
REVOCATION AND
2 INELIGIBILITY. UPON THE ISSUANCE OF AN ORDER OF PROTECTION OR
TEMPORARY
3 ORDER OF PROTECTION, OR UPON A VIOLATION OF SUCH ORDER, THE COURT
SHALL

4 MAKE A DETERMINATION REGARDING THE SUSPENSION AND REVOCATION
OF A
5 LICENSE TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM OR
FIREARMS,
6 INELIGIBILITY FOR SUCH A LICENSE AND THE SURRENDER OF
FIREARMS IN
7 ACCORDANCE WITH SECTION EIGHT HUNDRED FORTY-TWO-A OF THIS ACT.
8 S 10. The family court act is amended by adding a new section
1056-a
9 to read as follows:
10 S 1056-A. FIREARMS; SURRENDER AND LICENSE SUSPENSION,
REVOCATION AND
11 INELIGIBILITY. UPON THE ISSUANCE OF AN ORDER OF PROTECTION OR
TEMPORARY
12 ORDER OF PROTECTION, OR UPON A VIOLATION OF SUCH ORDER, THE COURT
SHALL
13 MAKE AN ORDER IN ACCORDANCE WITH SECTION EIGHT HUNDRED FORTY-
TWO-A OF
14 THIS ACT.
15 S 11. The first undesignated and closing paragraphs of
subdivision 3
16 of section 240 of the domestic relations law, as added by chapter
606 of
17 the laws of 1999, are amended to read as follows:
18 G. Any party moving for a temporary order of protection
pursuant to
19 this subdivision during hours when the court is open shall be
entitled
20 to file such motion or pleading containing such prayer for
emergency
21 relief on the same day that such person first appears at such
court, and
22 a hearing on the motion or portion of the pleading requesting such
emer-
23 gency relief shall be held on the same day or the next day
that the
24 court is in session following the filing of such motion or
pleading.
25 H. Upon issuance of an order of protection or temporary
order of
26 protection or upon a violation of such order, the court [may]
SHALL make
27 [an order] A DETERMINATION REGARDING THE SUSPENSION AND REVOCATION
OF A
28 LICENSE TO CARRY, POSSESS, REPAIR OR DISPOSE OF A FIREARM OR
FIREARMS,
29 INELIGIBILITY FOR SUCH A LICENSE AND THE SURRENDER OF
FIREARMS in
30 accordance with [section] SECTIONS eight hundred forty-two-a AND
EIGHT
31 HUNDRED FORTY-SIX-A of the family court act [directing the
surrender of
32 firearms, revoking or suspending a party's firearms license,
and/or
33 directing that such party be ineligible to receive a firearms
license],

34 AS APPLICABLE. Upon issuance of an order of protection pursuant
to this
35 section or upon a finding of a violation thereof, the court
also may
36 direct payment of restitution in an amount not to exceed ten
thousand
37 dollars in accordance with subdivision (e) of section eight
hundred
38 forty-one of such act; provided, however, that in no case shall an
order
39 of restitution be issued where the court determines that the
party
40 against whom the order would be issued has already
compensated the
41 injured party or where such compensation is incorporated in a
final
42 judgment or settlement of the action.

43 S 12. Subdivision 9 of section 252 of the domestic relations
law, as

44 added by chapter 606 of the laws of 1999, is amended to read as
follows:

45 9. Upon issuance of an order of protection or temporary
order of

46 protection or upon a violation of such order, the court [may
take an

47 order] SHALL MAKE A DETERMINATION REGARDING THE SUSPENSION AND
REVOCA-

48 TION OF A LICENSE TO CARRY, POSSESS, REPAIR OR DISPOSE OF A
FIREARM OR

49 FIREARMS, INELIGIBILITY FOR SUCH A LICENSE AND THE SURRENDER OF
FIREARMS

50 in accordance with [section] SECTIONS eight hundred forty-
two-a AND

51 EIGHT HUNDRED FORTY-SIX-A of the family court act [directing the
surren-

52 der of firearms, revoking or suspending a party's firearms
license,

53 and/or directing that such party be ineligible to receive a
firearms

54 license], AS APPLICABLE. Upon issuance of an order of protection
pursu-

55 ant to this section or upon a finding of a violation thereof, the
court

56 also may direct payment of restitution in an amount not to
exceed ten

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1 thousand dollars in accordance with subdivision (e) of section
eight

2 hundred forty-one of such act; provided, however, that in no case
shall

3 an order of restitution be issued where the court determines
that the

4 party against whom the order would be issued has already
compensated the

5 injured party or where such compensation is incorporated in a
final

6 [judgement] JUDGMENT or settlement of the action.
7 S 13. The opening paragraph and paragraph (b) of subdivision
1 of
8 section 530.14 of the criminal procedure law, as added by chapter
644 of
9 the laws of 1996, are amended to read as follows:
10 [Mandatory and permissive suspension] SUSPENSION of firearms
license
11 and ineligibility for such a license upon issuance of temporary
order of
12 protection. Whenever a temporary order of protection is issued
pursuant
13 to subdivision one of section 530.12 or subdivision one of
section
14 530.13 of this article:
15 (b) the court [may] SHALL where the court finds a
substantial risk
16 that the defendant may use or threaten to use a firearm
unlawfully
17 against the person or persons for whose protection the temporary
order
18 of protection is issued, suspend any such existing license
possessed by
19 the defendant, order the defendant ineligible for such a
license and
20 order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF
PARAGRAPH
21 ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF
SECTION
22 400.05 OF THE PENAL LAW, of any or all firearms owned or
possessed.
23 S 14. The opening paragraph and paragraph (b) of subdivision
2 of
24 section 530.14 of the criminal procedure law, as added by chapter
644 of
25 the laws of 1996, are amended to read as follows:
26 [Mandatory and permissive revocation] REVOCATION or
suspension of
27 firearms license and ineligibility for such a license upon
issuance of
28 an order of protection. Whenever an order of protection is issued
pursu-
29 ant to subdivision five of section 530.12 or subdivision four of
section
30 530.13 of this article:
31 (b) the court [may] SHALL where the court finds a
substantial risk
32 that the defendant may use or threaten to use a firearm
unlawfully
33 against the person or persons for whose protection the
order of
34 protection is issued, (i) revoke any such existing license
possessed by
35 the defendant, order the defendant ineligible for such a
license and
36 order the immediate surrender of any or all firearms owned or
possessed

37 or (ii) suspend or continue to suspend any such existing
license

38 possessed by the defendant, order the defendant ineligible for
such a

39 license and order the immediate surrender PURSUANT TO
SUBPARAGRAPH (F)

40 OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 AND
SUBDIVISION SIX

41 OF SECTION 400.05 OF THE PENAL LAW, of any or all firearms
owned or

42 possessed.

43 S 15. The opening paragraph and paragraph (b) of subdivision
3 of

44 section 530.14 of the criminal procedure law, the opening
paragraph as

45 amended by chapter 597 of the laws of 1998 and paragraph (b) as
added by

46 chapter 644 of the laws of 1996, are amended to read as follows:

47 [Mandatory and permissive revocation] REVOCATION or
suspension of

48 firearms license and ineligibility for such a license upon a
finding of

49 a willful failure to obey an order of protection. Whenever a
defendant

50 has been found pursuant to subdivision eleven of section
530.12 or

51 subdivision eight of section 530.13 of this article to have
willfully

52 failed to obey an order of protection issued by a court of
competent

53 jurisdiction in this state or another state, territorial or
tribal

54 jurisdiction, in addition to any other remedies available
pursuant to

55 subdivision eleven of section 530.12 or subdivision eight of
section

56 530.13 of this article:

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1 (b) the court [may] SHALL where the court finds a
substantial risk

2 that the defendant may use or threaten to use a firearm
unlawfully

3 against the person or persons for whose protection the
order of

4 protection was issued, (i) revoke any such existing license
possessed by

5 the defendant, order the defendant ineligible for such a
license and

6 order the immediate surrender PURSUANT TO SUBPARAGRAPH (F) OF
PARAGRAPH

7 ONE OF SUBDIVISION A OF SECTION 265.20 AND SUBDIVISION SIX OF
SECTION

8 400.05 OF THE PENAL LAW, of any or all firearms owned or
possessed or

9 (ii) suspend any such existing license possessed by the defendant,
order

10 the defendant ineligible for such a license and order the
immediate
11 surrender PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF
SUBDIVISION A
12 OF SECTION 265.20 AND SUBDIVISION SIX OF SECTION 400.05 OF THE
PENAL
13 LAW, of any or all firearms owned or possessed.
14 S 16. Section 837 of the executive law is amended by adding
a new
15 subdivision 19 to read as follows:
16 19. RECEIVE NAMES AND OTHER NON-CLINICAL IDENTIFYING
INFORMATION
17 PURSUANT TO SECTION 9.46 OF THE MENTAL HYGIENE LAW; PROVIDED,
HOWEVER,
18 ANY SUCH INFORMATION SHALL BE DESTROYED FIVE YEARS AFTER SUCH
RECEIPT,
19 OR PURSUANT TO A PROCEEDING BROUGHT UNDER ARTICLE SEVENTY-EIGHT
OF THE
20 CIVIL PRACTICE LAW AND RULES DETERMINING THAT AN INDIVIDUAL IS
ELIGIBLE
21 FOR A LICENSE PURSUANT TO SECTION 400.00 OF THE PENAL LAW AND
OTHERWISE
22 PERMITTED TO POSSESS A FIREARM.
23 S 17. The general business law is amended by adding a new
article
24 39-DDD to read as follows:
25 ARTICLE 39-DDD
26 PRIVATE SALE OR DISPOSAL OF FIREARMS, RIFLES AND SHOTGUNS
27 SECTION 898. PRIVATE SALE OR DISPOSAL OF FIREARMS, RIFLES AND
SHOTGUNS.
28 S 898. PRIVATE SALE OR DISPOSAL OF FIREARMS, RIFLES AND
SHOTGUNS. 1.
29 IN ADDITION TO ANY OTHER REQUIREMENTS PURSUANT TO STATE AND
FEDERAL LAW,
30 ALL SALES, EXCHANGES OR DISPOSALS OF FIREARMS, RIFLES OR SHOTGUNS
SHALL
31 BE CONDUCTED IN ACCORDANCE WITH THIS SECTION UNLESS SUCH SALE,
EXCHANGE
32 OR DISPOSAL IS CONDUCTED BY A LICENSED IMPORTER, LICENSED
MANUFACTURER
33 OR LICENSED DEALER, AS THOSE TERMS ARE DEFINED IN 18 USC S
922, WHEN
34 SUCH SALE, EXCHANGE OR DISPOSAL IS CONDUCTED PURSUANT TO THAT
PERSON'S
35 FEDERAL FIREARMS LICENSE OR SUCH SALE, EXCHANGE OR DISPOSAL IS
BETWEEN
36 MEMBERS OF AN IMMEDIATE FAMILY. FOR PURPOSES OF THIS SECTION,
"IMMEDIATE
37 FAMILY" SHALL MEAN SPOUSES, DOMESTIC PARTNERS, CHILDREN AND
STEP-CHIL-
38 DREN.
39 2. BEFORE ANY SALE, EXCHANGE OR DISPOSAL PURSUANT TO THIS
ARTICLE, A
40 NATIONAL INSTANT CRIMINAL BACKGROUND CHECK MUST BE COMPLETED BY A
DEALER
41 WHO CONSENTS TO CONDUCT SUCH CHECK, AND UPON COMPLETION OF SUCH
BACK-

42 GROUND CHECK, SHALL COMPLETE A DOCUMENT, THE FORM OF WHICH
SHALL BE

43 APPROVED BY THE SUPERINTENDENT OF STATE POLICE, THAT
IDENTIFIES AND

44 CONFIRMS THAT SUCH CHECK WAS PERFORMED.

45 3. ALL DEALERS SHALL MAINTAIN A RECORD OF SUCH TRANSACTIONS
CONDUCTED

46 PURSUANT TO THIS SECTION AND SUCH RECORD SHALL BE MAINTAINED
ON THE

47 PREMISES MENTIONED AND DESCRIBED IN THE LICENSE AND SHALL BE OPEN
AT ALL

48 REASONABLE HOURS FOR INSPECTION BY ANY PEACE OFFICER, ACTING
PURSUANT TO

49 HIS OR HER SPECIAL DUTIES, OR POLICE OFFICER.

50 4. A DEALER MAY REQUIRE THAT ANY SALE OR TRANSFER CONDUCTED
PURSUANT

51 TO THIS SECTION BE SUBJECT TO A FEE OF NOT TO EXCEED TEN
DOLLARS PER

52 TRANSACTION.

53 5. ANY RECORD PRODUCED PURSUANT TO THIS SECTION AND ANY
TRANSMISSION

54 THEREOF TO ANY GOVERNMENT AGENCY SHALL NOT BE CONSIDERED A PUBLIC
RECORD

55 FOR PURPOSES OF ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

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1 6. ANY PERSON WHO KNOWINGLY VIOLATES THE PROVISIONS OF THIS
ARTICLE

2 SHALL BE GUILTY OF A CLASS A MISDEMEANOR PUNISHABLE AS PROVIDED
FOR IN

3 THE PENAL LAW.

4 S 18. Paragraph (q) of subdivision 2 of section 212 of the
judiciary

5 law, as added by chapter 491 of the laws of 2008, is amended to
read as

6 follows:

7 (q) Adopt rules to require transmission, to the criminal
justice

8 information services division of the federal bureau of
investigation or

9 to the division of criminal justice services, of the name and
other

10 identifying information of each person who has a guardian
appointed for

11 him or her pursuant to any provision of state law, based on a
determi-

12 nation that as a result of marked subnormal intelligence,
mental

13 illness, incapacity, condition or disease, he or she lacks the
mental

14 capacity to contract or manage his or her own affairs. ANY SUCH
RECORDS

15 TRANSMITTED DIRECTLY TO THE FEDERAL BUREAU OF INVESTIGATION MUST
ALSO BE

16 TRANSMITTED TO THE DIVISION OF CRIMINAL JUSTICE SERVICES,
AND ANY

17 RECORDS RECEIVED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES
PURSUANT
18 TO THIS PARAGRAPH MAY BE CHECKED AGAINST THE STATEWIDE
LICENSE AND
19 RECORD DATABASE.
20 S 19. Subdivision (j) of section 7.09 of the mental hygiene
law, as
21 added by chapter 491 of the laws of 2008, is amended to read as
follows:
22 (j) (1) The commissioner, in cooperation with other applicable
state
23 agencies, shall [be authorized to] collect, retain or modify
data or
24 records, [or to] AND SHALL transmit such data or records: (I)
to the
25 division of criminal justice services, or to the criminal justice
infor-
26 mation services division of the federal bureau of investigation,
for the
27 purposes of responding to queries to the national instant criminal
back-
28 ground check system regarding attempts to purchase or
otherwise take
29 possession of firearms, as defined in 18 USC 921(a)(3), in
accordance
30 with applicable federal laws or regulations, OR (II) TO THE
DIVISION OF
31 CRIMINAL JUSTICE SERVICES, WHICH MAY RE-DISCLOSE SUCH DATA AND
RECORDS
32 ONLY FOR DETERMINING WHETHER A LICENSE ISSUED PURSUANT TO SECTION
400.00
33 OF THE PENAL LAW SHOULD BE DENIED, SUSPENDED OR REVOKED, UNDER
SUBDIVI-
34 SION ELEVEN OF SUCH SECTION, OR FOR DETERMINING WHETHER A PERSON
IS NO
35 LONGER PERMITTED UNDER FEDERAL OR STATE LAW TO POSSESS A FIREARM.
Such
36 records, WHICH MAY NOT BE USED FOR ANY OTHER PURPOSE, shall
include only
37 names and other non-clinical identifying information of persons
who have
38 been involuntarily committed to a hospital pursuant to article
nine of
39 this chapter, OR SECTION FOUR HUNDRED TWO OR SUBDIVISION TWO OF
SECTION
40 FIVE HUNDRED EIGHT OF THE CORRECTION LAW, or article seven hundred
thir-
41 ty or section 330.20 of the criminal procedure law or sections
322.2 or
42 353.4 of the family court act, or to a secure treatment facility
pursu-
43 ant to article ten of this chapter.
44 (2) The commissioner shall establish within the office of
mental
45 health an administrative process to permit a person who has been
or may

46 be disqualified from possessing such a firearm pursuant to
18 USC
47 922(4)(d) OR WHO HAS BEEN OR MAY BE DISQUALIFIED FROM CONTINUING
TO HAVE
48 A LICENSE TO CARRY, POSSESS, REPAIR, OR DISPOSE OF A FIREARM
UNDER
49 SECTION 400.00 OF THE PENAL LAW BECAUSE SUCH PERSON WAS
INVOLUNTARILY
50 COMMITTED OR CIVILLY CONFINED TO A FACILITY UNDER THE
JURISDICTION OF
51 THE COMMISSIONER, to petition for relief from that disability
where such
52 person's record and reputation are such that such person will
not be
53 likely to act in a manner dangerous to public safety and
where the
54 granting of the relief would not be contrary to public
safety. The
55 commissioner shall promulgate regulations to establish the
relief from
56 disabilities program, which shall include, but not be
limited to,
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1 provisions providing for: (i) an opportunity for a disqualified
person
2 to petition for relief in writing; (ii) the authority for the
agency to
3 require that the petitioner undergo a clinical evaluation
and risk
4 assessment; and (iii) a requirement that the agency issue a
decision in
5 writing explaining the reasons for a denial or grant of
relief. The
6 denial of a petition for relief from disabilities may be
reviewed de
7 novo pursuant to the proceedings under article seventy-eight
of the
8 civil practice law and rules.

9 S. 20. The mental hygiene law is amended by adding a new
section 9.46

10 to read as follows:
11 S 9.46 REPORTS OF SUBSTANTIAL RISK OR THREAT OF HARM BY MENTAL
HEALTH

12 PROFESSIONALS.
13 (A) FOR PURPOSES OF THIS SECTION, THE TERM "MENTAL HEALTH
PROFES-

14 SIONAL" SHALL INCLUDE A PHYSICIAN, PSYCHOLOGIST, REGISTERED
NURSE OR
15 LICENSED CLINICAL SOCIAL WORKER.

16 (B) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, WHEN A
MENTAL
17 HEALTH PROFESSIONAL CURRENTLY PROVIDING TREATMENT SERVICES TO A
PERSON

18 DETERMINES, IN THE EXERCISE OF REASONABLE PROFESSIONAL
JUDGMENT, THAT

19 SUCH PERSON IS LIKELY TO ENGAGE IN CONDUCT THAT WOULD RESULT IN
SERIOUS
20 HARM TO SELF OR OTHERS, HE OR SHE SHALL BE REQUIRED TO REPORT,
AS SOON
21 AS PRACTICABLE, TO THE DIRECTOR OF COMMUNITY SERVICES, OR THE
DIRECTOR'S
22 DESIGNEE, WHO SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE
SERVICES
23 WHENEVER HE OR SHE AGREES THAT THE PERSON IS LIKELY TO ENGAGE
IN SUCH
24 CONDUCT. INFORMATION TRANSMITTED TO THE DIVISION OF CRIMINAL
JUSTICE
25 SERVICES SHALL BE LIMITED TO NAMES AND OTHER NON-CLINICAL
IDENTIFYING
26 INFORMATION, WHICH MAY ONLY BE USED FOR DETERMINING WHETHER A
LICENSE
27 ISSUED PURSUANT TO SECTION 400.00 OF THE PENAL LAW SHOULD BE
SUSPENDED
28 OR REVOKED, OR FOR DETERMINING WHETHER A PERSON IS INELIGIBLE
FOR A
29 LICENSE ISSUED PURSUANT TO SECTION 400.00 OF THE PENAL LAW, OR
IS NO
30 LONGER PERMITTED UNDER STATE OR FEDERAL LAW TO POSSESS A FIREARM.
31 (C) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE A
MENTAL
32 HEALTH PROFESSIONAL TO TAKE ANY ACTION WHICH, IN THE EXERCISE OF
REASON-
33 ABLE PROFESSIONAL JUDGMENT, WOULD ENDANGER SUCH MENTAL HEALTH
PROFES-
34 SIONAL OR INCREASE THE DANGER TO A POTENTIAL VICTIM OR VICTIMS.
35 (D) THE DECISION OF A MENTAL HEALTH PROFESSIONAL TO DISCLOSE OR
NOT TO
36 DISCLOSE IN ACCORDANCE WITH THIS SECTION, WHEN MADE REASONABLY
AND IN
37 GOOD FAITH, SHALL NOT BE THE BASIS FOR ANY CIVIL OR CRIMINAL
LIABILITY
38 OF SUCH MENTAL HEALTH PROFESSIONAL.
39 S 21. Paragraph 5 of subdivision (b) of section 9.47 of the
mental
40 hygiene law is renumbered paragraph 7 and two new paragraphs 5 and
6 are
41 added to read as follows:
42 (5) ENSURING EVALUATION OF THE NEED FOR ONGOING ASSISTED
OUTPATIENT
43 TREATMENT PURSUANT TO SUBDIVISION (K) OF SECTION 9.60 OF THIS
ARTICLE
44 PRIOR TO THE EXPIRATION OF ANY ASSISTED OUTPATIENT TREATMENT
ORDER;
45 (6) IF HE OR SHE HAS BEEN ORDERED TO PROVIDE FOR OR
ARRANGE FOR
46 ASSISTED OUTPATIENT TREATMENT PURSUANT TO PARAGRAPH FIVE OF
SUBDIVISION
47 (J) OF SECTION 9.60 OF THIS ARTICLE OR BECAME THE APPROPRIATE
DIRECTOR
48 PURSUANT TO THIS PARAGRAPH OR SUBDIVISION (C) OF SECTION 9.48 OF
THIS

49 ARTICLE, NOTIFYING THE DIRECTOR OF COMMUNITY SERVICES OF THE NEW
COUNTY
50 OF RESIDENCE WHEN HE OR SHE HAS REASON TO BELIEVE THAT AN
ASSISTED
51 OUTPATIENT HAS OR WILL CHANGE HIS OR HER COUNTY OF RESIDENCE
DURING THE
52 PENDENCY OF AN ASSISTED OUTPATIENT TREATMENT ORDER. UPON SUCH
CHANGE OF
53 RESIDENCE, THE DIRECTOR OF THE NEW COUNTY OF RESIDENCE SHALL
BECOME THE
54 APPROPRIATE DIRECTOR, AS SUCH TERM IS DEFINED IN SECTION 9.60
OF THIS
55 ARTICLE; AND

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1 S 22. Section 9.48 of the mental hygiene law is amended by
adding a

2 new subdivision (c) to read as follows:

3 (C) DIRECTORS OF ASSISTED OUTPATIENT TREATMENT PROGRAMS
PROVIDING

4 SERVICES DESCRIBED IN PARAGRAPH ONE OF SUBDIVISION (A) OF SECTION
9.60

5 OF THIS ARTICLE PURSUANT TO ANY COURT ORDER ISSUED UNDER SUCH
SECTION

6 SHALL EVALUATE THE NEED FOR ONGOING ASSISTED OUTPATIENT TREATMENT
PURSU-

7 ANT TO SUBDIVISION (K) OF SECTION 9.60 OF THIS ARTICLE PRIOR
TO THE

8 EXPIRATION OF ANY ASSISTED OUTPATIENT TREATMENT ORDER; AND SHALL
NOTIFY

9 THE DIRECTOR OF COMMUNITY SERVICES OF THE NEW COUNTY OF RESIDENCE
WHEN

10 HE OR SHE HAS REASON TO BELIEVE THAT AN ASSISTED OUTPATIENT HAS
OR WILL

11 CHANGE HIS OR HER COUNTY OF RESIDENCE DURING THE PENDENCY OF AN
ASSISTED

12 OUTPATIENT TREATMENT ORDER. UPON SUCH CHANGE OF RESIDENCE, THE
DIRECTOR

13 OF THE NEW COUNTY OF RESIDENCE SHALL BECOME THE APPROPRIATE
DIRECTOR, AS

14 SUCH TERM IS DEFINED IN SECTION 9.60 OF THIS ARTICLE.

15 S 23. Paragraph 3 of subdivision (a), paragraphs 2 and 5 of
subdivi-

16 sion (j) and subdivisions (k) and (n) of section 9.60 of the
mental

17 hygiene law, as amended by chapter 158 of the laws of 2005, are
amended

18 to read as follows:

19 (3) "director of community services" and "local governmental
unit"

20 shall have the same meanings as provided in article forty-one of
this

21 chapter. THE "APPROPRIATE DIRECTOR" SHALL MEAN THE DIRECTOR OF
COMMUNI-

22 TY SERVICES OF THE COUNTY WHERE THE ASSISTED OUTPATIENT RESIDES,
EVEN IF

23 IT IS A DIFFERENT COUNTY THAN THE COUNTY WHERE THE ASSISTED
OUTPATIENT
24 TREATMENT ORDER WAS ORIGINALLY ISSUED.
25 (2) If after hearing all relevant evidence, the court finds by
clear
26 and convincing evidence that the subject of the petition
meets the
27 criteria for assisted outpatient treatment, and there is no
appropriate
28 and feasible less restrictive alternative, the court may
order the
29 subject to receive assisted outpatient treatment for an initial
period
30 not to exceed [six months] ONE YEAR. In fashioning the order, the
court
31 shall specifically make findings by clear and convincing
evidence that
32 the proposed treatment is the least restrictive treatment
appropriate
33 and feasible for the subject. The order shall state an assisted
outpa-
34 tient treatment plan, which shall include all categories of
assisted
35 outpatient treatment, as set forth in paragraph one of
subdivision (a)
36 of this section, which the assisted outpatient is to receive, but
shall
37 not include any such category that has not been recommended in
both the
38 proposed written treatment plan and the testimony provided to the
court
39 pursuant to subdivision (i) of this section.
40 (5) If the petitioner is the director of a hospital that
operates an
41 assisted outpatient treatment program, the court order shall
direct the
42 hospital director to provide or arrange for all categories of
assisted
43 outpatient treatment for the assisted outpatient throughout the
period
44 of the order. [For all other persons] IN ALL OTHER INSTANCES, the
order
45 shall require the APPROPRIATE director [of community services
of the
46 appropriate local governmental unit], AS THAT TERM IS DEFINED
IN THIS
47 SECTION, to provide or arrange for all categories of assisted
outpatient
48 treatment for the assisted outpatient throughout the period
of the
49 order.
50 (k) Petition for additional periods of treatment. (1) PRIOR
TO THE
51 EXPIRATION OF AN ORDER PURSUANT TO THIS SECTION, THE APPROPRIATE
DIREC-
52 TOR SHALL REVIEW WHETHER THE ASSISTED OUTPATIENT CONTINUES TO
MEET THE

53 CRITERIA FOR ASSISTED OUTPATIENT TREATMENT. IF, AS DOCUMENTED
IN THE
54 PETITION, THE DIRECTOR DETERMINES THAT SUCH CRITERIA CONTINUE TO
BE MET

55 OR HAS MADE APPROPRIATE ATTEMPTS TO, BUT HAS NOT BEEN
SUCCESSFUL IN

56 ELICITING, THE COOPERATION OF THE SUBJECT TO SUBMIT TO AN
EXAMINATION,

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1 WITHIN THIRTY DAYS PRIOR TO THE EXPIRATION OF AN ORDER OF
ASSISTED

2 OUTPATIENT TREATMENT, SUCH DIRECTOR MAY PETITION THE COURT TO
ORDER

3 CONTINUED ASSISTED OUTPATIENT TREATMENT PURSUANT TO PARAGRAPH
TWO OF

4 THIS SUBDIVISION. UPON DETERMINING WHETHER SUCH CRITERIA CONTINUE
TO BE

5 MET, SUCH DIRECTOR SHALL NOTIFY THE PROGRAM COORDINATOR IN WRITING
AS TO

6 WHETHER A PETITION FOR CONTINUED ASSISTED OUTPATIENT
TREATMENT IS

7 WARRANTED AND WHETHER SUCH A PETITION WAS OR WILL BE FILED.

8 (2) Within thirty days prior to the expiration of an order of
assisted

9 outpatient treatment, the appropriate director or the current
petition-

10 er, if the current petition was filed pursuant to subparagraph
(i) or

11 (ii) of paragraph one of subdivision (e) of this section,
and the

12 current petitioner retains his or her original status pursuant
to the

13 applicable subparagraph, may petition the court to order
continued

14 assisted outpatient treatment for a period not to exceed one year
from

15 the expiration date of the current order. If the court's
disposition of

16 such petition does not occur prior to the expiration date of the
current

17 order, the current order shall remain in effect until such
disposition.

18 The procedures for obtaining any order pursuant to this
subdivision

19 shall be in accordance with the provisions of the foregoing
subdivisions

20 of this section; provided that the time restrictions included in
para-

21 graph four of subdivision (c) of this section shall not be
applicable.

22 The notice provisions set forth in paragraph six of subdivision
(j) of

23 this section shall be applicable. Any court order requiring
periodic

24 blood tests or urinalysis for the presence of alcohol or illegal
drugs

25 shall be subject to review after six months by the physician who
devel-
26 oped the written treatment plan or another physician designated
by the
27 director, and such physician shall be authorized to terminate such
blood
28 tests or urinalysis without further action by the court.
29 (n) Failure to comply with assisted outpatient treatment. Where
in the
30 clinical judgment of a physician, (i) the assisted
outpatient, has
31 failed or refused to comply with the assisted outpatient
treatment, (ii)
32 efforts were made to solicit compliance, and (iii) such assisted
outpa-
33 tient may be in need of involuntary admission to a hospital
pursuant to
34 section 9.27 of this article or immediate observation, care and
treat-
35 ment pursuant to section 9.39 or 9.40 of this article, such
physician
36 may request the APPROPRIATE director of community services, the
direc-
37 tor's designee, or any physician designated by the director of
community
38 services pursuant to section 9.37 of this article, to direct the
removal
39 of such assisted outpatient to an appropriate hospital for an
examina-
40 tion to determine if such person has a mental illness for which
hospi-
41 talization is necessary pursuant to section 9.27, 9.39 or 9.40
of this
42 article. Furthermore, if such assisted outpatient refuses to take
medi-
43 cations as required by the court order, or he or she refuses to
take, or
44 fails a blood test, urinalysis, or alcohol or drug test as
required by
45 the court order, such physician may consider such refusal or
failure
46 when determining whether the assisted outpatient is in need of an
exam-
47 ination to determine whether he or she has a mental illness for
which
48 hospitalization is necessary. Upon the request of such
physician, the
49 APPROPRIATE director, the director's designee, or any physician
desig-
50 nated pursuant to section 9.37 of this article, may direct peace
offi-
51 cers, acting pursuant to their special duties, or police
officers who
52 are members of an authorized police department or force or of a
sher-
53 iff's department to take the assisted outpatient into custody and
trans-

54 port him or her to the hospital operating the assisted outpatient
treat-
55 ment program or to any hospital authorized by the director of
community
56 services to receive such persons. Such law enforcement officials
shall

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1 carry out such directive. Upon the request of such physician, the
APPRO-

2 PRIATE director, the director's designee, or any physician
designated

3 pursuant to section 9.37 of this article, an ambulance
service, as

4 defined by subdivision two of section three thousand one of the
public

5 health law, or an approved mobile crisis outreach team as
defined in

6 section 9.58 of this article shall be authorized to take into
custody

7 and transport any such person to the hospital operating the
assisted

8 outpatient treatment program, or to any other hospital authorized
by the

9 APPROPRIATE director of community services to receive such
persons. Any

10 director of community services, or designee, shall be
authorized to

11 direct the removal of an assisted outpatient who is present in
his or

12 her county to an appropriate hospital, in accordance with the
provisions

13 of this subdivision, based upon a determination of the
appropriate

14 director of community services directing the removal of such
assisted

15 outpatient pursuant to this subdivision. Such person may be
retained for

16 observation, care and treatment and further examination in the
hospital

17 for up to seventy-two hours to permit a physician to determine
whether

18 such person has a mental illness and is in need of involuntary
care and

19 treatment in a hospital pursuant to the provisions of this
article. Any

20 continued involuntary retention in such hospital beyond the
initial

21 seventy-two hour period shall be in accordance with the
provisions of

22 this article relating to the involuntary admission and retention
of a

23 person. If at any time during the seventy-two hour period the
person is

24 determined not to meet the involuntary admission and
retention

25 provisions of this article, and does not agree to stay in the
hospital

26 as a voluntary or informal patient, he or she must be released.
Failure

27 to comply with an order of assisted outpatient treatment shall
not be

28 grounds for involuntary civil commitment or a finding of
contempt of

29 court.

30 S 24. Subdivision (g) of section 13.09 of the mental hygiene
law, as

31 amended by chapter 168 of the laws of 2010, is amended to
read as

32 follows:

33 (g) (1) The commissioner, in cooperation with other applicable
state

34 agencies, shall [be authorized to] collect, retain or modify
data or

35 records, [or to] AND SHALL transmit such data or records to:
(I) the

36 division of criminal justice services, or to the criminal justice
infor-

37 mation services division of the federal bureau of investigation,
for the

38 purposes of responding to queries to the national instant criminal
back-

39 ground check system regarding attempts to purchase or otherwise
take

40 possession of firearms, as defined in 18 USC 921(a)(3), in
accordance

41 with applicable federal laws or regulations, OR (II) TO THE
DIVISION OF

42 CRIMINAL JUSTICE SERVICES, FOR THE PURPOSES OF DETERMINING
WHETHER A

43 LICENSE ISSUED PURSUANT TO SECTION 400.00 OF THE PENAL LAW
SHOULD BE

44 DENIED, SUSPENDED OR REVOKED, UNDER SUBDIVISION ELEVEN OF SUCH
SECTION,

45 OR FOR DETERMINING WHETHER A PERSON IS NO LONGER PERMITTED UNDER
FEDERAL

46 OR STATE LAW TO POSSESS A FIREARM. Such records shall include
only

47 names and other non-clinical identifying information of persons
who have

48 had a guardian appointed for them pursuant to any provision of
state

49 law, based on a determination that as a result of marked
subnormal

50 intelligence, mental illness, incapacity, condition or
disease, they

51 lack the mental capacity to contract or manage their own
affairs, and

52 persons who have been involuntarily committed to a facility
pursuant to

53 article fifteen of this chapter, or article seven hundred
thirty or

54 section 330.20 of the criminal procedure law or sections 322.2 or
353.4
55 of the family court act.
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1 (2) The commissioner shall establish within the office for
people with
2 developmental disabilities an administrative process to permit a
person
3 who has been or may be disqualified from possessing such a
firearm
4 pursuant to 18 USC 922(4)(d), OR WHO HAS BEEN OR MAY BE
DISQUALIFIED
5 FROM CONTINUING TO HAVE A LICENSE TO CARRY, POSSESS, REPAIR, OR
DISPOSE
6 OF A FIREARM UNDER SECTION 400.00 OF THE PENAL LAW BECAUSE SUCH
PERSON
7 WAS INVOLUNTARILY COMMITTED OR CIVILLY CONFINED TO A FACILITY
UNDER THE
8 JURISDICTION OF THE COMMISSIONER, to petition for relief from that
disa-
9 bility where such person's record and reputation are such that
such
10 person will not be likely to act in a manner dangerous to public
safety
11 and where the granting of the relief would not be contrary to
public
12 safety. The commissioner shall promulgate regulations to
establish the
13 relief from disabilities program, which shall include, but not be
limit-
14 ed to, provisions providing for: (i) an opportunity for a
disqualified
15 person to petition for relief in writing; (ii) the authority
for the
16 agency to require that the petitioner undergo a clinical
evaluation and
17 risk assessment; and (iii) a requirement that the agency issue a
deci-
18 sion in writing explaining the reasons for a denial or grant of
relief.
19 The denial of a petition for relief from disabilities may be
reviewed de
20 novo pursuant to the proceedings under article seventy-eight
of the
21 civil practice law and rules.
22 S 25. Paragraph 12 of subdivision (c) of section 33.13 of the
mental
23 hygiene law, as amended by chapter 158 of the laws of 2005, is
amended
24 and a new paragraph 15 is added to read as follows:
25 12. to a director of community services as defined in article
nine of
26 this chapter or his OR HER designee, provided that such director
or his
27 or her designee (I) requests such information in the exercise of
his or

28 her statutory functions, powers and duties pursuant to section
9.37,

29 9.45, 9.47, 9.48, 9.60 or 41.13 of this chapter; OR (II) THE
DISCLOSURE

30 OF INFORMATION IS REQUIRED PURSUANT TO SECTION 9.46 OF THIS
CHAPTER.

31 15. TO THE DIVISION OF CRIMINAL JUSTICE SERVICES, NAMES AND
OTHER

32 NON-CLINICAL IDENTIFYING INFORMATION FOR THE SOLE PURPOSE OF
IMPLEMENT-

33 ING THE DIVISION'S RESPONSIBILITIES AND DUTIES UNDER SECTIONS
400.00 AND

34 400.02 OF THE PENAL LAW.

35 S 26. Section 10.00 of the penal law is amended by adding a new
subdi-

36 vision 21 to read as follows:

37 21. "DRUG TRAFFICKING FELONY" MEANS ANY OF THE FOLLOWING
OFFENSES

38 DEFINED IN ARTICLE TWO HUNDRED TWENTY OF THIS CHAPTER: VIOLATION
OF USE

39 OF A CHILD TO COMMIT A CONTROLLED SUBSTANCE OFFENSE AS
DEFINED IN

40 SECTION 220.28; CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE
FOURTH

41 DEGREE AS DEFINED IN SECTION 220.34; CRIMINAL SALE OF A
CONTROLLED

42 SUBSTANCE IN THE THIRD DEGREE AS DEFINED IN SECTION 220.39;
CRIMINAL

43 SALE OF A CONTROLLED SUBSTANCE IN THE SECOND DEGREE AS
DEFINED IN

44 SECTION 220.41; CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE
FIRST

45 DEGREE AS DEFINED IN SECTION 220.43; CRIMINAL SALE OF A
CONTROLLED

46 SUBSTANCE IN OR NEAR SCHOOL GROUNDS AS DEFINED IN SECTION 220.44;
UNLAW-

47 FUL MANUFACTURE OF METHAMPHETAMINE IN THE SECOND DEGREE AS
DEFINED IN

48 SECTION 220.74; UNLAWFUL MANUFACTURE OF METHAMPHETAMINE IN THE
FIRST

49 DEGREE AS DEFINED IN SECTION 220.75; OR OPERATING AS A MAJOR
TRAFFICKER

50 AS DEFINED IN SECTION 220.77.

51 S 26-a. The penal law is amended by adding a new section
60.11-a to

52 read as follows:

53 S 60.11-A AUTHORIZED DISPOSITIONS; CERTAIN CRIMINAL POSSESSION
OF A

54 WEAPON IN THE THIRD DEGREE OFFENDERS.

55 WHEN A PERSON IS TO BE SENTENCED UPON CONVICTION OF THE CRIME OF
CRIM-

56 INAL POSSESSION OF A WEAPON IN THE THIRD DEGREE AS DEFINED IN
SUBDIVI-

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1 SION TEN OF SECTION 265.02 OF THIS CHAPTER, THE COURT MUST
SENTENCE SUCH

2 DEFENDANT TO A DETERMINATE SENTENCE AS PROVIDED IN SUBPARAGRAPH
(II) OF
3 PARAGRAPH (C) OF SUBDIVISION THREE OF SECTION 70.02 OF THIS
CHAPTER,
4 UNLESS A GREATER MINIMUM SENTENCE IS OTHERWISE REQUIRED BY
ANOTHER
5 PROVISION OF THIS CHAPTER.
6 S 27. Paragraphs (b) and (c) of subdivision 1 of section 70.02
of the
7 penal law, paragraph (b) as amended by chapter 148 of the laws
of 2011
8 and paragraph (c) as amended by chapter 405 of the laws of
2010, are
9 amended to read as follows:
10 (b) Class C violent felony offenses: an attempt to commit any
of the
11 class B felonies set forth in paragraph (a) of this subdivision;
aggra-
12 vated criminally negligent homicide as defined in section 125.11,
aggra-
13 vated manslaughter in the second degree as defined in section
125.21,
14 aggravated sexual abuse in the second degree as defined in
section
15 130.67, assault on a peace officer, police officer, fireman or
emergency
16 medical services professional as defined in section 120.08,
assault on a
17 judge as defined in section 120.09, gang assault in the second
degree as
18 defined in section 120.06, strangulation in the first degree as
defined
19 in section 121.13, burglary in the second degree as defined in
section
20 140.25, robbery in the second degree as defined in section 160.10,
crim-
21 inal possession of a weapon in the second degree as defined in
section
22 265.03, criminal use of a firearm in the second degree as
defined in
23 section 265.08, criminal sale of a firearm in the second
degree as
24 defined in section 265.12, criminal sale of a firearm with the aid
of a
25 minor as defined in section 265.14, AGGRAVATED CRIMINAL
POSSESSION OF A
26 WEAPON AS DEFINED IN SECTION 265.19, soliciting or providing
support for
27 an act of terrorism in the first degree as defined in section
490.15,
28 hindering prosecution of terrorism in the second degree as
defined in
29 section 490.30, and criminal possession of a chemical weapon or
biolog-
30 ical weapon in the third degree as defined in section 490.37.
31 (c) Class D violent felony offenses: an attempt to commit any
of the

32 class C felonies set forth in paragraph (b); reckless assault of a
child

33 as defined in section 120.02, assault in the second degree as
defined in

34 section 120.05, menacing a police officer or peace officer as
defined in

35 section 120.18, stalking in the first degree, as defined in
subdivision

36 one of section 120.60, strangulation in the second degree as
defined in

37 section 121.12, rape in the second degree as defined in section
130.30,

38 criminal sexual act in the second degree as defined in section
130.45,

39 sexual abuse in the first degree as defined in section 130.65,
course of

40 sexual conduct against a child in the second degree as
defined in

41 section 130.80, aggravated sexual abuse in the third degree as
defined

42 in section 130.66, facilitating a sex offense with a
controlled

43 substance as defined in section 130.90, criminal possession of a
weapon

44 in the third degree as defined in subdivision five, six, seven
[or],

45 eight, NINE OR TEN of section 265.02, criminal sale of a firearm
in the

46 third degree as defined in section 265.11, intimidating a
victim or

47 witness in the second degree as defined in section 215.16,
soliciting or

48 providing support for an act of terrorism in the second
degree as

49 defined in section 490.10, and making a terroristic threat as
defined in

50 section 490.20, falsely reporting an incident in the first
degree as

51 defined in section 240.60, placing a false bomb or hazardous
substance

52 in the first degree as defined in section 240.62, placing a false
bomb

53 or hazardous substance in a sports stadium or arena, mass
transportation

54 facility or enclosed shopping mall as defined in section
240.63, and

55 aggravated unpermitted use of indoor pyrotechnics in the first
degree as

56 defined in section 405.18.

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1 S 28. The opening paragraph of paragraph (c) of subdivision
2 of

2 section 70.02 of the penal law, as amended by chapter 764 of the
laws of

3 2005, is amended to read as follows:

4 Except as provided in subdivision six of section 60.05, the
sentence
5 imposed upon a person who stands convicted of the class D violent
felony
6 offenses of criminal possession of a weapon in the third
degree as
7 defined in subdivision [four,] five, seven [or], eight OR
NINE of
8 section 265.02, criminal sale of a firearm in the third
degree as
9 defined in section 265.11 or the class E violent felonies of
attempted
10 criminal possession of a weapon in the third degree as defined in
subdi-
11 vision [four,] five, seven [or], eight OR NINE of section 265.02
must be
12 a sentence to a determinate period of imprisonment, or, in the
alterna-
13 tive, a definite sentence of imprisonment for a period of no
less than
14 one year, except that:
15 S 29. Paragraph (b) of subdivision 3 of section 70.02 of the
penal
16 law, as amended by chapter 765 of the laws of 2005, is amended
to read
17 as follows:
18 (b) For a class C felony, the term must be at least three and
one-half
19 years and must not exceed fifteen years, provided, however,
that the
20 term must be: (i) at least seven years and must not exceed twenty
years
21 where the sentence is for the crime of aggravated manslaughter
in the
22 second degree as defined in section 125.21 of this chapter;
(ii) at
23 least seven years and must not exceed twenty years where the
sentence is
24 for the crime of attempted aggravated assault upon a police
officer or
25 peace officer as defined in section 120.11 of this chapter; [and]
(iii)
26 at least three and one-half years and must not exceed twenty years
where
27 the sentence is for the crime of aggravated criminally negligent
homi-
28 cide as defined in section 125.11 of this chapter; AND (IV) AT
LEAST
29 FIVE YEARS AND MUST NOT EXCEED FIFTEEN YEARS WHERE THE
SENTENCE IS
30 IMPOSED FOR THE CRIME OF AGGRAVATED CRIMINAL POSSESSION OF A
WEAPON AS
31 DEFINED IN SECTION 265.19 OF THIS CHAPTER;
32 S 30. Paragraph (c) of subdivision 3 of section 70.02 of the
penal
33 law, as amended by chapter 765 of the laws of 2005, is amended
to read

34 as follows:
35 (c) For a class D felony, the term must be at least two years
and must
36 not exceed seven years, provided, however, that the term must be:
(I) at
37 least two years and must not exceed eight years where the
sentence is
38 for the crime of menacing a police officer or peace officer as
defined
39 in section 120.18 of this chapter; and (II) AT LEAST THREE AND
ONE-HALF
40 YEARS AND MUST NOT EXCEED SEVEN YEARS WHERE THE SENTENCE IS
IMPOSED FOR
41 THE CRIME OF CRIMINAL POSSESSION OF A WEAPON IN THE THIRD
DEGREE AS
42 DEFINED IN SUBDIVISION TEN OF SECTION 265.02 OF THIS CHAPTER;
43 S 31. The penal law is amended by adding a new section 115.20
to read
44 as follows:
45 S 115.20 CRIMINAL FACILITATION; DEFINITIONS AND CONSTRUCTION.
46 FOR PURPOSES OF THIS ARTICLE, SUCH CONDUCT SHALL INCLUDE, BUT
NOT BE
47 LIMITED TO, MAKING AVAILABLE, SELLING, EXCHANGING, GIVING OR
DISPOSING
48 OF A COMMUNITY GUN, WHICH IN FACT, AIDS A PERSON TO COMMIT A
CRIME.
49 "COMMUNITY GUN" SHALL MEAN A FIREARM THAT IS ACTUALLY
SHARED, MADE
50 AVAILABLE, SOLD, EXCHANGED, GIVEN OR DISPOSED OF AMONG OR BETWEEN
TWO OR
51 MORE PERSONS, AT LEAST ONE OF WHOM IS NOT AUTHORIZED PURSUANT TO
LAW TO
52 POSSESS SUCH FIREARM. "DISPOSE OF" SHALL HAVE THE SAME MEANING
AS THAT
53 TERM IS DEFINED IN SECTION 265.00 OF THIS CHAPTER. "SHARE" AND
"MAKE
54 AVAILABLE" SHALL, IN THE CASE OF A FIREARM, BE CONSTRUED TO
INCLUDE
55 KNOWINGLY PLACING SUCH FIREARM AT A LOCATION ACCESSIBLE AND KNOWN
TO ONE
56 OR MORE OTHER PERSONS.

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1 S 32. Section 120.05 of the penal law is amended by adding
a new
2 subdivision 4-a to read as follows:
3 4-A. HE RECKLESSLY CAUSES PHYSICAL INJURY TO ANOTHER PERSON
WHO IS A
4 CHILD UNDER THE AGE OF EIGHTEEN BY INTENTIONAL DISCHARGE OF A
FIREARM,
5 RIFLE OR SHOTGUN; OR
6 S 33. Sections 34, 35 and 36 of this act shall be known and
may be
7 cited as "Mark's Law".
8 S 34. The opening paragraph of subdivision 1 of section 125.26
of the

9 penal law, as added by chapter 765 of the laws of 2005, is amended to

10 read as follows:

11 With intent to cause the death of another person, he or she causes the

12 death of such person, or of a third person who was a person described in

13 subparagraph (i), (ii), (II-A) or (iii) of paragraph (a) of this subdi-

14 vision engaged at the time of the killing in the course of performing

15 his or her official duties; and

16 S 35. Paragraph (a) of subdivision 1 of section 125.26 of the penal

17 law is amended by adding a new subparagraph (ii-a) to read as follows:

18 (II-A) THE INTENDED VICTIM WAS A FIREFIGHTER, EMERGENCY MEDICAL TECH-

19 NICIAN, AMBULANCE DRIVER, PARAMEDIC, PHYSICIAN OR REGISTERED NURSE

20 INVOLVED IN A FIRST RESPONSE TEAM, OR ANY OTHER INDIVIDUAL WHO, IN THE

21 COURSE OF OFFICIAL DUTIES, PERFORMS EMERGENCY RESPONSE ACTIVITIES AND

22 WAS ENGAGED IN SUCH ACTIVITIES AT THE TIME OF KILLING AND THE DEFENDANT

23 KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE INTENDED VICTIM WAS SUCH

24 FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, AMBULANCE DRIVER, PARAMEDIC,

25 PHYSICIAN OR REGISTERED NURSE; OR

26 S 36. Paragraph (a) of subdivision 1 of section 125.27 of the penal

27 law is amended by adding a new subparagraph (ii-a) to read as follows:

28 (II-A) THE INTENDED VICTIM WAS A FIREFIGHTER, EMERGENCY MEDICAL TECH-

29 NICIAN, AMBULANCE DRIVER, PARAMEDIC, PHYSICIAN OR REGISTERED NURSE

30 INVOLVED IN A FIRST RESPONSE TEAM, OR ANY OTHER INDIVIDUAL WHO, IN THE

31 COURSE OF OFFICIAL DUTIES, PERFORMS EMERGENCY RESPONSE ACTIVITIES AND

32 WAS ENGAGED IN SUCH ACTIVITIES AT THE TIME OF KILLING AND THE DEFENDANT

33 KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE INTENDED VICTIM WAS SUCH

34 FIREFIGHTER, EMERGENCY MEDICAL TECHNICIAN, AMBULANCE DRIVER, PARAMEDIC,

35 PHYSICIAN OR REGISTERED NURSE; OR

36 S 37. Subdivision 22 of section 265.00 of the penal law, as added by

37 chapter 189 of the laws of 2000, is amended to read as follows:

38 22. "Assault weapon" means [(a) a semiautomatic rifle that has an

39 ability to accept a detachable magazine and has at least two of the

40 following characteristics:
41 (i) a folding or telescoping stock;
42 (ii) a pistol grip that protrudes conspicuously beneath the
action of
43 the weapon;
44 (iii) a bayonet mount;
45 (iv) a flash suppressor or threaded barrel designed to
accommodate a
46 flash suppressor;
47 (v) a grenade launcher; or
48 (b) a semiautomatic shotgun that has at least two of the
following
49 characteristics:
50 (i) a folding or telescoping stock;
51 (ii) a pistol grip that protrudes conspicuously beneath the
action of
52 the weapon;
53 (iii) a fixed magazine capacity in excess of five rounds;
54 (iv) an ability to accept a detachable magazine; or
55 (c) a semiautomatic pistol that has an ability to accept a
detachable
56 magazine and has at least two of the following characteristics:
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1 (i) an ammunition magazine that attaches to the pistol outside
of the
2 pistol grip;
3 (ii) a threaded barrel capable of accepting a barrel extender,
flash
4 suppressor, forward handgrip, or silencer;
5 (iii) a shroud that is attached to, or partially or completely
encir-
6 cles, the barrel and that permits the shooter to hold the
firearm with
7 the nontrigger hand without being burned;
8 (iv) a manufactured weight of fifty ounces or more when the
pistol is
9 unloaded;
10 (v) a semiautomatic version of an automatic rifle, shotgun or
firearm;
11 or
12 (d) any of the weapons, or functioning frames or receivers
of such
13 weapons, or copies or duplicates of such weapons, in any caliber,
known
14 as:
15 (i) Norinco, Mitchell, and Poly Technologies Avtomat
Kalashnikovs (all
16 models);
17 (ii) Action Arms Israeli Military Industries UZI and Galil;
18 (iii) Beretta Ar70 (SC-70);
19 (iv) Colt AR-15;
20 (v) Fabrique National FN/FAL, FN/LAR, and FNC;
21 (vi) SWD M-10, M-11, M-11/9, and M-12;
22 (vii) Steyr AUG;
23 (viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and

24 (ix) revolving cylinder shotguns, such as (or similar to) the
Street
25 Sweeper and Striker 12;
26 (e) provided, however, that such term does not include: (i) any
rifle,
27 shotgun or pistol that (A) is manually operated by bolt, pump,
lever or
28 slide action; (B) has been rendered permanently inoperable; or (C)
is an
29 antique firearm as defined in 18 U.S.C. 921(a)(16);
30 (ii) a semiautomatic rifle that cannot accept a detachable
magazine
31 that holds more than five rounds of ammunition;
32 (iii) a semiautomatic shotgun that cannot hold more than five
rounds
33 of ammunition in a fixed or detachable magazine;
34 (iv) a rifle, shotgun or pistol, or a replica or a duplicate
thereof,
35 specified in Appendix A to section 922 of 18 U.S.C. as such
weapon was
36 manufactured on October first, nineteen hundred ninety-three.
The mere
37 fact that a weapon is not listed in Appendix A shall not be
construed to
38 mean that such weapon is an assault weapon; or
39 (v) a semiautomatic rifle, a semiautomatic shotgun or a
semiautomatic
40 pistol or any of the weapons defined in paragraph (d) of this
subdivi-
41 sion lawfully possessed prior to September fourteenth, nineteen
hundred
42 ninety-four.]
43 (A) A SEMIAUTOMATIC RIFLE THAT HAS AN ABILITY TO ACCEPT A
DETACHABLE
44 MAGAZINE AND HAS AT LEAST ONE OF THE FOLLOWING CHARACTERISTICS:
45 (I) A FOLDING OR TELESCOPING STOCK;
46 (II) A PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH THE
ACTION OF
47 THE WEAPON;
48 (III) A THUMBHOLE STOCK;
49 (IV) A SECOND HANDGRIP OR A PROTRUDING GRIP THAT CAN BE HELD
BY THE
50 NON-TRIGGER HAND;
51 (V) A BAYONET MOUNT;
52 (VI) A FLASH SUPPRESSOR, MUZZLE BREAK, MUZZLE COMPENSATOR, OR
THREADED
53 BARREL DESIGNED TO ACCOMMODATE A FLASH SUPPRESSOR, MUZZLE
BREAK, OR
54 MUZZLE COMPENSATOR;
55 (VII) A GRENADE LAUNCHER; OR
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1 (B) A SEMIAUTOMATIC SHOTGUN THAT HAS AT LEAST ONE OF THE
FOLLOWING
2 CHARACTERISTICS:
3 (I) A FOLDING OR TELESCOPING STOCK;
4 (II) A THUMBHOLE STOCK;

5 (III) A SECOND HANDGRIP OR A PROTRUDING GRIP THAT CAN BE HELD
BY THE
6 NON-TRIGGER HAND;
7 (IV) A FIXED MAGAZINE CAPACITY IN EXCESS OF SEVEN ROUNDS;
8 (V) AN ABILITY TO ACCEPT A DETACHABLE MAGAZINE; OR
9 (C) A SEMIAUTOMATIC PISTOL THAT HAS AN ABILITY TO ACCEPT A
DETACHABLE
10 MAGAZINE AND HAS AT LEAST ONE OF THE FOLLOWING CHARACTERISTICS:
11 (I) A FOLDING OR TELESCOPING STOCK;
12 (II) A THUMBHOLE STOCK;
13 (III) A SECOND HANDGRIP OR A PROTRUDING GRIP THAT CAN BE HELD
BY THE
14 NON-TRIGGER HAND;
15 (IV) CAPACITY TO ACCEPT AN AMMUNITION MAGAZINE THAT ATTACHES
TO THE
16 PISTOL OUTSIDE OF THE PISTOL GRIP;
17 (V) A THREADED BARREL CAPABLE OF ACCEPTING A BARREL EXTENDER,
FLASH
18 SUPPRESSOR, FORWARD HANDGRIP, OR SILENCER;
19 (VI) A SHROUD THAT IS ATTACHED TO, OR PARTIALLY OR COMPLETELY
ENCIR-
20 CLES, THE BARREL AND THAT PERMITS THE SHOOTER TO HOLD THE
FIREARM WITH
21 THE NON-TRIGGER HAND WITHOUT BEING BURNED;
22 (VII) A MANUFACTURED WEIGHT OF FIFTY OUNCES OR MORE WHEN THE
PISTOL IS
23 UNLOADED; OR
24 (VIII) A SEMIAUTOMATIC VERSION OF AN AUTOMATIC RIFLE,
SHOTGUN OR
25 FIREARM;
26 (D) A REVOLVING CYLINDER SHOTGUN;
27 (E) A SEMIAUTOMATIC RIFLE, A SEMIAUTOMATIC SHOTGUN OR A
SEMIAUTOMATIC
28 PISTOL OR WEAPON DEFINED IN SUBPARAGRAPH (V) OF PARAGRAPH (E) OF
SUBDI-
29 VISION TWENTY-TWO OF SECTION 265.00 OF THIS CHAPTER AS ADDED BY
CHAPTER
30 ONE HUNDRED EIGHTY-NINE OF THE LAWS OF TWO THOUSAND AND
OTHERWISE
31 LAWFULLY POSSESSED PURSUANT TO SUCH CHAPTER OF THE LAWS OF TWO
THOUSAND
32 PRIOR TO SEPTEMBER FOURTEENTH, NINETEEN HUNDRED NINETY-FOUR;
33 (F) A SEMIAUTOMATIC RIFLE, A SEMIAUTOMATIC SHOTGUN OR A
SEMIAUTOMATIC
34 PISTOL OR WEAPON DEFINED IN PARAGRAPH (A), (B) OR (C) OF THIS
SUBDIVI-
35 SION, POSSESSED PRIOR TO THE DATE OF ENACTMENT OF THE CHAPTER
OF THE
36 LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PARAGRAPH;
37 (G) PROVIDED, HOWEVER, THAT SUCH TERM DOES NOT INCLUDE:
38 (I) ANY RIFLE, SHOTGUN OR PISTOL THAT (A) IS MANUALLY
OPERATED BY
39 BOLT, PUMP, LEVER OR SLIDE ACTION; (B) HAS BEEN RENDERED
PERMANENTLY
40 INOPERABLE; OR (C) IS AN ANTIQUE FIREARM AS DEFINED IN 18
U.S.C.
41 921(A)(16);

42 (II) A SEMIAUTOMATIC RIFLE THAT CANNOT ACCEPT A DETACHABLE
MAGAZINE
43 THAT HOLDS MORE THAN FIVE ROUNDS OF AMMUNITION;
44 (III) A SEMIAUTOMATIC SHOTGUN THAT CANNOT HOLD MORE THAN FIVE
ROUNDS
45 OF AMMUNITION IN A FIXED OR DETACHABLE MAGAZINE; OR
46 (IV) A RIFLE, SHOTGUN OR PISTOL, OR A REPLICAS OR A DUPLICATE
THEREOF,
47 SPECIFIED IN APPENDIX A TO 18 U.S.C. 922 AS SUCH WEAPON WAS
MANUFACTURED
48 ON OCTOBER FIRST, NINETEEN HUNDRED NINETY-THREE. THE MERE FACT
THAT A
49 WEAPON IS NOT LISTED IN APPENDIX A SHALL NOT BE CONSTRUED TO MEAN
THAT
50 SUCH WEAPON IS AN ASSAULT WEAPON;
51 (V) ANY WEAPON VALIDLY REGISTERED PURSUANT TO SUBDIVISION
SIXTEEN-A OF
52 SECTION 400.00 OF THIS CHAPTER. SUCH WEAPONS SHALL BE SUBJECT
TO THE
53 PROVISIONS OF PARAGRAPH (H) OF THIS SUBDIVISION;
54 (VI) ANY FIREARM, RIFLE, OR SHOTGUN THAT WAS MANUFACTURED AT
LEAST
55 FIFTY YEARS PRIOR TO THE CURRENT DATE, BUT NOT INCLUDING REPLICAS
THERE-

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1 OF THAT IS VALIDLY REGISTERED PURSUANT TO SUBDIVISION
SIXTEEN-A OF
2 SECTION 400.00 OF THIS CHAPTER;
3 (H) ANY WEAPON DEFINED IN PARAGRAPH (E) OR (F) OF THIS
SUBDIVISION AND
4 ANY LARGE CAPACITY AMMUNITION FEEDING DEVICE THAT WAS LEGALLY
POSSESSED
5 BY AN INDIVIDUAL PRIOR TO THE ENACTMENT OF THE CHAPTER OF THE
LAWS OF
6 TWO THOUSAND THIRTEEN WHICH ADDED THIS PARAGRAPH, MAY ONLY BE
SOLD TO,
7 EXCHANGED WITH OR DISPOSED OF TO A PURCHASER AUTHORIZED TO POSSESS
SUCH
8 WEAPONS OR TO AN INDIVIDUAL OR ENTITY OUTSIDE OF THE STATE
PROVIDED THAT
9 ANY SUCH TRANSFER TO AN INDIVIDUAL OR ENTITY OUTSIDE OF THE
STATE MUST
10 BE REPORTED TO THE ENTITY WHEREIN THE WEAPON IS REGISTERED WITHIN
SEVEN-
11 TY-TWO HOURS OF SUCH TRANSFER. AN INDIVIDUAL WHO TRANSFERS ANY
SUCH
12 WEAPON OR LARGE CAPACITY AMMUNITION DEVICE TO AN INDIVIDUAL
INSIDE NEW
13 YORK STATE OR WITHOUT COMPLYING WITH THE PROVISIONS OF THIS
PARAGRAPH
14 SHALL BE GUILTY OF A CLASS A MISDEMEANOR UNLESS SUCH LARGE
CAPACITY
15 AMMUNITION FEEDING DEVICE, THE POSSESSION OF WHICH IS MADE
ILLEGAL BY
16 THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS
PARA-

17 GRAPH, IS TRANSFERRED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THE
CHAP-
18 TER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS
PARAGRAPH.
19 S 38. Subdivision 23 of section 265.00 of the penal law, as
added by
20 chapter 189 of the laws of 2000, is amended to read as follows:
21 23. "Large capacity ammunition feeding device" means a magazine,
belt,
22 drum, feed strip, or similar device, [manufactured after September
thir-
23 teenth, nineteen hundred ninety-four,] that (A) has a capacity
of, or
24 that can be readily restored or converted to accept, more
than ten
25 rounds of ammunition, OR (B) CONTAINS MORE THAN SEVEN ROUNDS OF
AMMUNI-
26 TION, OR (C) IS OBTAINED AFTER THE EFFECTIVE DATE OF THE CHAPTER
OF THE
27 LAWS OF TWO THOUSAND THIRTEEN WHICH AMENDED THIS SUBDIVISION AND
HAS A
28 CAPACITY OF, OR THAT CAN BE READILY RESTORED OR CONVERTED TO
ACCEPT,
29 MORE THAN SEVEN ROUNDS OF AMMUNITION; provided, however, that
such term
30 does not include an attached tubular device designed to
accept, and
31 capable of operating only with, .22 caliber rimfire
ammunition OR A
32 FEEDING DEVICE THAT IS A CURIO OR RELIC. A FEEDING DEVICE THAT
IS A
33 CURIO OR RELIC IS DEFINED AS A DEVICE THAT (I) WAS MANUFACTURED AT
LEAST
34 FIFTY YEARS PRIOR TO THE CURRENT DATE, (II) IS ONLY CAPABLE OF
BEING
35 USED EXCLUSIVELY IN A FIREARM, RIFLE, OR SHOTGUN THAT WAS
MANUFACTURED
36 AT LEAST FIFTY YEARS PRIOR TO THE CURRENT DATE, BUT NOT INCLUDING
REPLI-
37 CAS THEREOF, (III) IS POSSESSED BY AN INDIVIDUAL WHO IS NOT
PROHIBITED
38 BY STATE OR FEDERAL LAW FROM POSSESSING A FIREARM AND (IV) IS
REGISTERED
39 WITH THE DIVISION OF STATE POLICE PURSUANT TO SUBDIVISION
SIXTEEN-A OF
40 SECTION 400.00 OF THIS CHAPTER, EXCEPT SUCH FEEDING DEVICES
TRANSFERRED
41 INTO THE STATE MAY BE REGISTERED AT ANY TIME, PROVIDED THEY ARE
REGIS-
42 TERED WITHIN THIRTY DAYS OF THEIR TRANSFER INTO THE STATE.
NOTWITH-
43 STANDING PARAGRAPH (H) OF SUBDIVISION TWENTY-TWO OF THIS SECTION,
SUCH
44 FEEDING DEVICES MAY BE TRANSFERRED PROVIDED THAT SUCH TRANSFER
SHALL BE
45 SUBJECT TO THE PROVISIONS OF SECTION 400.03 OF THIS CHAPTER
INCLUDING

46 THE CHECK REQUIRED TO BE CONDUCTED PURSUANT TO SUCH SECTION.
47 S 39. Section 265.00 of the penal law is amended by adding
a new
48 subdivision 24 to read as follows:
49 24. "SELLER OF AMMUNITION" MEANS ANY PERSON, FIRM, PARTNERSHIP,
CORPO-
50 RATION OR COMPANY WHO ENGAGES IN THE BUSINESS OF PURCHASING,
SELLING OR
51 KEEPING AMMUNITION.
52 S 40. Section 265.01 of the penal law, as added by chapter 1041
of the
53 laws of 1974, subdivision 1 as amended by chapter 257 of the
laws of
54 2008, subdivision 2 as amended by chapter 220 of the laws of
1988,
55 subdivision 3 as amended by chapter 199 of the laws of 2006,
subdivision
56 4 as amended by chapter 357 of the laws of 2011, subdivision 7 as
added
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1 by chapter 807 of the laws of 1981, and subdivision 8 as added by
chap-
2 ter 646 of the laws of 1986, is amended to read as follows:
3 S 265.01 Criminal possession of a weapon in the fourth degree.
4 A person is guilty of criminal possession of a weapon in the
fourth
5 degree when:
6 (1) He or she possesses any firearm, electronic dart gun,
electronic
7 stun gun, gravity knife, switchblade knife, pilum ballistic knife,
metal
8 knuckle knife, cane sword, billy, blackjack, bludgeon, plastic
knuckles,
9 metal knuckles, chuka stick, sand bag, sandclub, wrist-brace type
sling-
10 shot or slungshot, shiriken or "Kung Fu star"; or
11 (2) He possesses any dagger, dangerous knife, dirk, razor,
stiletto,
12 imitation pistol, or any other dangerous or deadly instrument or
weapon
13 with intent to use the same unlawfully against another; or
14 (3) [He or she knowingly has in his or her possession a rifle,
shotgun
15 or firearm in or upon a building or grounds, used for
educational
16 purposes, of any school, college or university, except the
forestry
17 lands, wherever located, owned and maintained by the State
University of
18 New York college of environmental science and forestry, or upon a
school
19 bus as defined in section one hundred forty-two of the vehicle and
traf-
20 fic law, without the written authorization of such educational
institu-
21 tion]; or

22 (4) He possesses a rifle, shotgun, antique firearm, black
powder
23 rifle, black powder shotgun, or any muzzle-loading firearm, and
has been
24 convicted of a felony or serious offense; or
25 (5) He possesses any dangerous or deadly weapon and is not a
citizen
26 of the United States; or
27 (6) He is a person who has been certified not suitable to
possess a
28 rifle or shotgun, as defined in subdivision sixteen of section
265.00,
29 and refuses to yield possession of such rifle or shotgun upon the
demand
30 of a police officer. Whenever a person is certified not
suitable to
31 possess a rifle or shotgun, a member of the police department to
which
32 such certification is made, or of the state police, shall
forthwith
33 seize any rifle or shotgun possessed by such person. A rifle or
shotgun
34 seized as herein provided shall not be destroyed, but shall be
delivered
35 to the headquarters of such police department, or state
police, and
36 there retained until the aforesaid certificate has been rescinded
by the
37 director or physician in charge, or other disposition of such
rifle or
38 shotgun has been ordered or authorized by a court of competent
jurisdic-
39 tion.
40 (7) He knowingly possesses a bullet containing an explosive
substance
41 designed to detonate upon impact.
42 (8) He possesses any armor piercing ammunition with intent to
use the
43 same unlawfully against another.
44 Criminal possession of a weapon in the fourth degree is a
class A
45 misdemeanor.
46 S 41. The penal law is amended by adding a new section
265.01-a to
47 read as follows:
48 S 265.01-A. CRIMINAL POSSESSION OF A WEAPON ON SCHOOL GROUNDS.
49 A PERSON IS GUILTY OF CRIMINAL POSSESSION OF A WEAPON ON
SCHOOL
50 GROUNDS WHEN HE OR SHE KNOWINGLY HAS IN HIS OR HER POSSESSION A
RIFLE,
51 SHOTGUN, OR FIREARM IN OR UPON A BUILDING OR GROUNDS, USED FOR
EDUCA-
52 TIONAL PURPOSES, OF ANY SCHOOL, COLLEGE, OR UNIVERSITY,
EXCEPT THE
53 FORESTRY LANDS, WHEREVER LOCATED, OWNED AND MAINTAINED BY THE
STATE

54 UNIVERSITY OF NEW YORK COLLEGE OF ENVIRONMENTAL SCIENCE AND
FORESTRY, OR

55 UPON A SCHOOL BUS AS DEFINED IN SECTION ONE HUNDRED FORTY-TWO
OF THE

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1 VEHICLE AND TRAFFIC LAW, WITHOUT THE WRITTEN AUTHORIZATION OF
SUCH

2 EDUCATIONAL INSTITUTION.

3 CRIMINAL POSSESSION OF A WEAPON ON SCHOOL GROUNDS IS A CLASS E
FELONY.

4 S 41-a. The penal law is amended by adding a new section
265.01-b to

5 read as follows:

6 S 265.01-B CRIMINAL POSSESSION OF A FIREARM.

7 A PERSON IS GUILTY OF CRIMINAL POSSESSION OF A FIREARM WHEN HE
OR SHE:

8 (1) POSSESSES ANY FIREARM OR; (2) LAWFULLY POSSESSES A FIREARM
PRIOR TO

9 THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND
THIRTEEN

10 WHICH ADDED THIS SECTION SUBJECT TO THE REGISTRATION
REQUIREMENTS OF

11 SUBDIVISION SIXTEEN-A OF SECTION 400.00 OF THIS CHAPTER AND
KNOWINGLY

12 FAILS TO REGISTER SUCH FIREARM PURSUANT TO SUCH SUBDIVISION.

13 CRIMINAL POSSESSION OF A FIREARM IS A CLASS E FELONY.

14 S 41-b. Subdivision 8 of section 265.02 of the penal law, as
amended

15 by chapter 764 of the laws of 2005, is amended and two new
subdivisions

16 9 and 10 are added to read as follows:

17 (8) Such person possesses a large capacity ammunition feeding
device.

18 FOR PURPOSES OF THIS SUBDIVISION, A LARGE CAPACITY AMMUNITION
FEEDING

19 DEVICE SHALL NOT INCLUDE AN AMMUNITION FEEDING DEVICE LAWFULLY
POSSESSED

20 BY SUCH PERSON BEFORE THE EFFECTIVE DATE OF THE CHAPTER OF THE
LAWS OF

21 TWO THOUSAND THIRTEEN WHICH AMENDED THIS SUBDIVISION, THAT HAS A
CAPACI-

22 TY OF, OR THAT CAN BE READILY RESTORED OR CONVERTED TO ACCEPT
MORE THAN

23 SEVEN BUT LESS THAN ELEVEN ROUNDS OF AMMUNITION, OR THAT WAS
MANUFAC-

24 TURED BEFORE SEPTEMBER THIRTEENTH, NINETEEN HUNDRED NINETY-
FOUR, THAT

25 HAS A CAPACITY OF, OR THAT CAN BE READILY RESTORED OR
CONVERTED TO

26 ACCEPT, MORE THAN TEN ROUNDS OF AMMUNITION; OR

27 (9) SUCH PERSON POSSESSES AN UNLOADED FIREARM AND ALSO COMMITS
A DRUG

28 TRAFFICKING FELONY AS DEFINED IN SUBDIVISION TWENTY-ONE OF SECTION
10.00

29 OF THIS CHAPTER AS PART OF THE SAME CRIMINAL TRANSACTION; OR

30 (10) SUCH PERSON POSSESSES AN UNLOADED FIREARM AND ALSO
COMMITTS ANY
31 VIOLENT FELONY OFFENSE AS DEFINED IN SUBDIVISION ONE OF SECTION
70.02 OF
32 THIS CHAPTER AS PART OF THE SAME CRIMINAL TRANSACTION.
33 S 42. Subdivision 2 of section 265.09 of the penal law, as
added by
34 chapter 650 of the laws of 1996, is amended to read as follows:
35 (2) Sentencing. Notwithstanding any other provision of law
to the
36 contrary, when a person is convicted of criminal use of a firearm
in the
37 first degree as defined in subdivision one of this section, the
court
38 shall impose an additional consecutive sentence of five years
to the
39 [minimum term of an indeterminate] sentence imposed on the
underlying
40 class B violent felony offense where the person convicted of such
crime
41 displays a loaded weapon from which a shot, readily capable of
producing
42 death or other serious injury may be discharged, in furtherance
of the
43 commission of such crime, provided, however, that such
additional
44 sentence shall not be imposed if the court, having regard to the
nature
45 and circumstances of the crime and to the history and character
of the
46 defendant, finds on the record that such additional consecutive
sentence
47 would be unduly harsh and that not imposing such sentence
would be
48 consistent with the public safety and would not deprecate the
serious-
49 ness of the crime. Notwithstanding any other provision of law
to the
50 contrary, the aggregate of the five year consecutive term imposed
pursu-
51 ant to this subdivision and the minimum term of the
indeterminate
52 sentence imposed on the underlying class B violent felony shall
consti-
53 tute the new aggregate minimum term of imprisonment, and a
person
54 subject to such term shall be required to serve the entire
aggregate
55 minimum term and shall not be eligible for release on parole or
condi-
56 tional release during such term. This subdivision shall not apply
where
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1 the defendant's criminal liability for displaying a loaded weapon
from

2 which a shot, readily capable of producing death or other serious
injury

3 may be discharged, in furtherance of the commission of crime is
based on

4 the conduct of another pursuant to section 20.00 of [the penal
law] THIS

5 CHAPTER.

6 S 43. Section 265.17 of the penal law, as added by chapter 189
of the

7 laws of 2000, is amended to read as follows:

8 S 265.17 Criminal purchase OR DISPOSAL of a weapon.

9 A person is guilty of criminal purchase OR DISPOSAL of a weapon
when:

10 1. Knowing that he or she is prohibited by law from
possessing a

11 firearm, rifle or shotgun because of a prior conviction or
because of

12 some other disability which would render him or her
ineligible to

13 lawfully possess a firearm, rifle or shotgun in this state, such
person

14 [attempts to purchase] PURCHASES a firearm, rifle or shotgun from
anoth-

15 er person; or

16 2. Knowing that it would be unlawful for another person to
possess a

17 firearm, rifle or shotgun, he or she purchases a firearm, rifle or
shot-

18 gun for, on behalf of, or for the use of such other person[.]; OR

19 3. KNOWING THAT ANOTHER PERSON IS PROHIBITED BY LAW FROM
POSSESSING A

20 FIREARM, RIFLE OR SHOTGUN BECAUSE OF A PRIOR CONVICTION OR
BECAUSE OF

21 SOME OTHER DISABILITY WHICH WOULD RENDER HIM OR HER
INELIGIBLE TO

22 LAWFULLY POSSESS A FIREARM, RIFLE OR SHOTGUN IN THIS STATE, A
PERSON

23 DISPOSES OF A FIREARM, RIFLE OR SHOTGUN TO SUCH OTHER PERSON.

24 Criminal purchase OR DISPOSAL of a weapon is a class [A
misdemeanor] D

25 FELONY.

26 S 44. Intentionally omitted.

27 S 45. The penal law is amended by adding a new section 265.19
to read

28 as follows:

29 S 265.19 AGGRAVATED CRIMINAL POSSESSION OF A WEAPON.

30 A PERSON IS GUILTY OF AGGRAVATED CRIMINAL POSSESSION OF A WEAPON
WHEN

31 HE OR SHE COMMITS THE CRIME OF CRIMINAL POSSESSION OF A WEAPON
IN THE

32 SECOND DEGREE AS DEFINED IN SUBDIVISION THREE OF SECTION 265.03 OF
THIS

33 ARTICLE AND ALSO COMMITS ANY VIOLENT FELONY OFFENSE AS DEFINED IN
SUBDI-

34 VISION ONE OF SECTION 70.02 OF THIS CHAPTER OR A DRUG TRAFFICKING
FELONY

35 AS DEFINED IN SUBDIVISION TWENTY-ONE OF SECTION 10.00 OF THIS
CHAPTER

36 ARISING OUT OF THE SAME CRIMINAL TRANSACTION.

37 AGGRAVATED CRIMINAL POSSESSION OF A WEAPON IS A CLASS C FELONY.

38 S 46. Paragraph 3 of subdivision a of section 265.20 of the
penal law,

39 as amended by chapter 210 of the laws of 1999, is amended and
a new

40 paragraph 7-f is added to read as follows:

41 3. Possession of a pistol or revolver by a person to whom a
license

42 therefor has been issued as provided under section 400.00 or
400.01 of

43 this chapter OR POSSESSION OF A WEAPON AS DEFINED IN PARAGRAPH
(E) OR

44 (F) OF SUBDIVISION TWENTY-TWO OF SECTION 265.00 OF THIS ARTICLE
WHICH IS

45 REGISTERED PURSUANT TO PARAGRAPH (A) OF SUBDIVISION SIXTEEN-A OF
SECTION

46 400.00 OF THIS CHAPTER OR IS INCLUDED ON AN AMENDED LICENSE
ISSUED

47 PURSUANT TO SECTION 400.00 OF THIS CHAPTER. IN THE EVENT SUCH
LICENSE

48 IS REVOKED, OTHER THAN BECAUSE SUCH LICENSEE IS NO LONGER
PERMITTED TO

49 POSSESS A FIREARM, RIFLE OR SHOTGUN UNDER FEDERAL OR STATE LAW,
INFORMA-

50 TION SUFFICIENT TO SATISFY THE REQUIREMENTS OF SUBDIVISION
SIXTEEN-A OF

51 SECTION 400.00 OF THIS CHAPTER, SHALL BE TRANSMITTED BY THE
LICENSING

52 OFFICER TO THE STATE POLICE, IN A FORM AS DETERMINED BY THE
SUPERINTEN-

53 DENT OF STATE POLICE. SUCH TRANSMISSION SHALL CONSTITUTE A VALID
REGIS-

54 TRATION UNDER SUCH SECTION. FURTHER PROVIDED, NOTWITHSTANDING ANY
OTHER

55 SECTION OF THIS TITLE, A FAILURE TO REGISTER SUCH WEAPON BY AN
INDIVID-

56 UAL WHO POSSESSES SUCH WEAPON BEFORE THE ENACTMENT OF THE CHAPTER
OF THE

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1 LAWS OF TWO THOUSAND THIRTEEN WHICH AMENDED THIS PARAGRAPH AND
MAY SO

2 LAWFULLY POSSESS IT THEREAFTER UPON REGISTRATION, SHALL ONLY BE
SUBJECT

3 TO PUNISHMENT PURSUANT TO PARAGRAPH (C) OF SUBDIVISION
SIXTEEN-A OF

4 SECTION 400.00 OF THIS CHAPTER; provided, that such a license OR
REGIS-

5 TRATION shall not preclude a conviction for the offense
defined in

6 subdivision three of section 265.01 of this article OR SECTION
265.01-A

7 OF THIS ARTICLE.

8 7-F. POSSESSION AND USE OF A MAGAZINE, BELT, FEED STRIP OR
SIMILAR
9 DEVICE, THAT CONTAINS MORE THAN SEVEN ROUNDS OF AMMUNITION,
BUT THAT
10 DOES NOT HAVE A CAPACITY OF OR CAN READILY BE RESTORED OR
CONVERTED TO
11 ACCEPT MORE THAN TEN ROUNDS OF AMMUNITION, AT AN INDOOR OR
OUTDOOR
12 FIRING RANGE LOCATED IN OR ON PREMISES OWNED OR OCCUPIED BY A
DULY
13 INCORPORATED ORGANIZATION ORGANIZED FOR CONSERVATION PURPOSES
OR TO
14 FOSTER PROFICIENCY IN ARMS; AT AN INDOOR OR OUTDOOR FIRING RANGE
FOR THE
15 PURPOSE OF FIRING A RIFLE OR SHOTGUN; AT A COLLEGIATE, OLYMPIC OR
TARGET
16 SHOOTING COMPETITION UNDER THE AUSPICES OF OR APPROVED BY THE
NATIONAL
17 RIFLE ASSOCIATION; OR AT AN ORGANIZED MATCH SANCTIONED BY THE
INTERNA-
18 TIONAL HANDGUN METALLIC SILHOUETTE ASSOCIATION.
19 S 46-a. The penal law is amended by adding two new sections
265.36 and
20 265.37 to read as follows:
21 S 265.36 UNLAWFUL POSSESSION OF A LARGE CAPACITY AMMUNITION
FEEDING
22 DEVICE.
23 IT SHALL BE UNLAWFUL FOR A PERSON TO KNOWINGLY POSSESS A LARGE
CAPACI-
24 TY AMMUNITION FEEDING DEVICE MANUFACTURED BEFORE SEPTEMBER
THIRTEENTH,
25 NINETEEN HUNDRED NINETY-FOUR, AND IF SUCH PERSON LAWFULLY
POSSESSED SUCH
26 LARGE CAPACITY FEEDING DEVICE BEFORE THE EFFECTIVE DATE OF THE
CHAPTER
27 OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS SECTION,
THAT HAS
28 A CAPACITY OF, OR THAT CAN BE READILY RESTORED OR CONVERTED TO
ACCEPT,
29 MORE THAN TEN ROUNDS OF AMMUNITION.
30 AN INDIVIDUAL WHO HAS A REASONABLE BELIEF THAT SUCH DEVICE IS
OF SUCH
31 A CHARACTER THAT IT MAY LAWFULLY BE POSSESSED AND WHO
SURRENDERS OR
32 LAWFULLY DISPOSES OF SUCH DEVICE WITHIN THIRTY DAYS OF BEING
NOTIFIED BY
33 LAW ENFORCEMENT OR COUNTY LICENSING OFFICIALS THAT SUCH
POSSESSION IS
34 UNLAWFUL SHALL NOT BE GUILTY OF THIS OFFENSE. IT SHALL BE A
REBUTTABLE
35 PRESUMPTION THAT SUCH PERSON KNOWS THAT SUCH LARGE CAPACITY
AMMUNITION
36 FEEDING DEVICE MAY NOT BE LAWFULLY POSSESSED IF HE OR SHE HAS
BEEN
37 CONTACTED BY LAW ENFORCEMENT OR COUNTY LICENSING OFFICIALS AND
INFORMED
38 THAT SUCH DEVICE MAY NOT BE LAWFULLY POSSESSED.

39 UNLAWFUL POSSESSION OF A LARGE CAPACITY AMMUNITION FEEDING
DEVICE IS A
40 CLASS A MISDEMEANOR.
41 S 265.37 UNLAWFUL POSSESSION OF CERTAIN AMMUNITION FEEDING
DEVICES.
42 IT SHALL BE UNLAWFUL FOR A PERSON TO KNOWINGLY POSSESS AN
AMMUNITION
43 FEEDING DEVICE THAT SUCH PERSON LAWFULLY POSSESSED BEFORE THE
EFFECTIVE
44 DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH
ADDED
45 THIS SECTION, THAT HAS A CAPACITY OF, OR THAT CAN BE READILY
RESTORED OR
46 CONVERTED TO ACCEPT MORE THAN SEVEN BUT LESS THAN TEN ROUNDS OF
AMMUNI-
47 TION, WHERE SUCH DEVICE CONTAINS MORE THAN SEVEN ROUNDS OF
AMMUNITION.
48 IF SUCH DEVICE CONTAINING MORE THAN SEVEN ROUNDS OF
AMMUNITION IS
49 POSSESSED WITHIN THE HOME OF THE POSSESSOR, THE PERSON SO
POSSESSING THE
50 DEVICE SHALL, FOR A FIRST OFFENSE, BE GUILTY OF A VIOLATION AND
SUBJECT
51 TO A FINE OF TWO HUNDRED DOLLARS, AND FOR A SECOND OFFENSE, BE
GUILTY OF
52 A CLASS B MISDEMEANOR AND SUBJECT TO A FINE OF TWO HUNDRED DOLLARS
AND A
53 TERM OF UP TO THREE MONTHS IMPRISONMENT.
54 IF SUCH DEVICE CONTAINING MORE THAN SEVEN ROUNDS OF
AMMUNITION IS
55 POSSESSED IN ANY LOCATION OTHER THAN THE HOME OF THE
POSSESSOR, THE
56 PERSON SO POSSESSING THE DEVICE SHALL, FOR A FIRST OFFENSE, BE
GUILTY OF
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1 A CLASS B MISDEMEANOR AND SUBJECT TO A FINE OF TWO HUNDRED DOLLARS
AND A
2 TERM OF UP TO SIX MONTHS IMPRISONMENT, AND FOR A SECOND
OFFENSE, BE
3 GUILTY OF A CLASS A MISDEMEANOR.
4 S 47. The penal law is amended by adding a new section 265.45
to read
5 as follows:
6 S 265.45 SAFE STORAGE OF RIFLES, SHOTGUNS, AND FIREARMS.
7 NO PERSON WHO OWNS OR IS CUSTODIAN OF A RIFLE, SHOTGUN OR
FIREARM WHO
8 RESIDES WITH AN INDIVIDUAL WHO SUCH PERSON KNOWS OR HAS REASON
TO KNOW
9 IS PROHIBITED FROM POSSESSING A FIREARM PURSUANT TO 18 U.S.C. S
922(G)
10 (1), (4), (8) OR (9) SHALL STORE OR OTHERWISE LEAVE SUCH RIFLE,
SHOTGUN
11 OR FIREARM OUT OF HIS OR HER IMMEDIATE POSSESSION OR CONTROL
WITHOUT
12 HAVING FIRST SECURELY LOCKED SUCH RIFLE, SHOTGUN OR FIREARM IN AN
APPRO-

13 PRIATE SAFE STORAGE DEPOSITORY OR RENDERED IT INCAPABLE OF BEING
FIRED

14 BY USE OF A GUN LOCKING DEVICE APPROPRIATE TO THAT WEAPON. FOR
PURPOSES

15 OF THIS SECTION "SAFE STORAGE DEPOSITORY" SHALL MEAN A SAFE OR
OTHER

16 SECURE CONTAINER WHICH, WHEN LOCKED, IS INCAPABLE OF BEING OPENED
WITH-

17 OUT THE KEY, COMBINATION OR OTHER UNLOCKING MECHANISM AND IS
CAPABLE OF

18 PREVENTING AN UNAUTHORIZED PERSON FROM OBTAINING ACCESS TO
AND

19 POSSESSION OF THE WEAPON CONTAINED THEREIN. WITH RESPECT TO A
PERSON

20 WHO IS PROHIBITED FROM POSSESSING A FIREARM PURSUANT TO 18
USC S

21 922(G)(9), FOR PURPOSES OF THIS SECTION, THIS SECTION APPLIES
ONLY IF

22 SUCH PERSON HAS BEEN CONVICTED OF A CRIME INCLUDED IN SUBDIVISION
ONE OF

23 SECTION 370.15 OF THE CRIMINAL PROCEDURE LAW AND SUCH GUN IS
POSSESSED

24 WITHIN FIVE YEARS FROM THE LATER OF THE DATE OF CONVICTION OR
COMPLETION

25 OF SENTENCE.

26 A VIOLATION OF THIS SECTION SHALL CONSTITUTE A CLASS A
MISDEMEANOR.

27 S 48. Subdivision 1, paragraph (a) of subdivision 3,
subdivisions 4,

28 5, 9, 10, 11, 12 and 15 of section 400.00 of the penal law,
subdivision

29 1 as amended by chapter 189 of the laws of 2000, paragraph (a) of
subdi-

30 vision 3 as designated by chapter 778 of the laws of 1985,
subdivision 4

31 as amended by chapter 331 of the laws of 2005, subdivision 5 as
amended

32 by chapter 332 of the laws of 1994, subdivision 9 as amended by
chapter

33 172 of the laws of 1973, subdivision 10 as amended by chapter 447
of the

34 laws of 1997, subdivision 11 as amended by chapter 210 of the
laws of

35 1999, and subdivision 12 as amended by chapter 449 of the laws of
1993,

36 are amended and two new subdivisions 16-a and 16-b are added to
read as

37 follows:

38 1. Eligibility. No license shall be issued or renewed pursuant
to this

39 section except by the licensing officer, and then only after
investi-

40 gation and finding that all statements in a proper application
for a

41 license are true. No license shall be issued or renewed except
for an

42 applicant (a) twenty-one years of age or older, provided,
however, that
43 where such applicant has been honorably discharged from the
United
44 States army, navy, marine corps, air force or coast guard,
or the
45 national guard of the state of New York, no such age restriction
shall
46 apply; (b) of good moral character; (c) who has not been
convicted
47 anywhere of a felony or a serious offense; (d) WHO IS NOT A
FUGITIVE
48 FROM JUSTICE; (E) WHO IS NOT AN UNLAWFUL USER OF OR ADDICTED
TO ANY
49 CONTROLLED SUBSTANCE AS DEFINED IN SECTION 21 U.S.C. 802; (F) WHO
BEING
50 AN ALIEN (I) IS NOT ILLEGALLY OR UNLAWFULLY IN THE UNITED STATES
OR (II)
51 HAS NOT BEEN ADMITTED TO THE UNITED STATES UNDER A
NONIMMIGRANT VISA
52 SUBJECT TO THE EXCEPTION IN 18 U.S.C. 922(Y)(2); (G) WHO HAS NOT
BEEN
53 DISCHARGED FROM THE ARMED FORCES UNDER DISHONORABLE CONDITIONS;
(H) WHO,
54 HAVING BEEN A CITIZEN OF THE UNITED STATES, HAS NOT RENOUNCED HIS
OR HER
55 CITIZENSHIP; (I) who has stated whether he or she has ever
suffered any
56 mental illness [or been confined to any hospital or institution,
public

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1 or private, for mental illness]; (J) WHO HAS NOT BEEN
INVOLUNTARILY
2 COMMITTED TO A FACILITY UNDER THE JURISDICTION OF AN OFFICE
OF THE
3 DEPARTMENT OF MENTAL HYGIENE PURSUANT TO ARTICLE NINE OR FIFTEEN
OF THE
4 MENTAL HYGIENE LAW, ARTICLE SEVEN HUNDRED THIRTY OR SECTION
330.20 OF
5 THE CRIMINAL PROCEDURE LAW, SECTION FOUR HUNDRED TWO OR FIVE
HUNDRED
6 EIGHT OF THE CORRECTION LAW, SECTION 322.2 OR 353.4 OF THE FAMILY
COURT
7 ACT, OR HAS NOT BEEN CIVILLY CONFINED IN A SECURE TREATMENT
FACILITY
8 PURSUANT TO ARTICLE TEN OF THE MENTAL HYGIENE LAW; [(e)] (K) who
has not
9 had a license revoked or who is not under a suspension or
ineligibility
10 order issued pursuant to the provisions of section 530.14 of the
crimi-
11 nal procedure law or section eight hundred forty-two-a of the
family
12 court act; [(f)] (L) in the county of Westchester, who has
successfully

13 completed a firearms safety course and test as evidenced by a
certif-
14 icate of completion issued in his or her name and endorsed and
affirmed
15 under the penalties of perjury by a duly authorized instructor,
except
16 that: (i) persons who are honorably discharged from the United
States
17 army, navy, marine corps or coast guard, or of the national guard
of the
18 state of New York, and produce evidence of official
qualification in
19 firearms during the term of service are not required to have
completed
20 those hours of a firearms safety course pertaining to the
safe use,
21 carrying, possession, maintenance and storage of a firearm; and
(ii)
22 persons who were licensed to possess a pistol or revolver prior
to the
23 effective date of this paragraph are not required to have
completed a
24 firearms safety course and test; [and (g)] (M) WHO HAS NOT HAD A
GUARDI-
25 AN APPOINTED FOR HIM OR HER PURSUANT TO ANY PROVISION OF
STATE LAW,
26 BASED ON A DETERMINATION THAT AS A RESULT OF MARKED SUBNORMAL
INTELLI-
27 GENCE, MENTAL ILLNESS, INCAPACITY, CONDITION OR DISEASE, HE OR SHE
LACKS
28 THE MENTAL CAPACITY TO CONTRACT OR MANAGE HIS OR HER OWN
AFFAIRS; AND
29 (N) concerning whom no good cause exists for the denial of the
license.
30 No person shall engage in the business of gunsmith or dealer in
firearms
31 unless licensed pursuant to this section. An applicant to engage
in such
32 business shall also be a citizen of the United States, more than
twen-
33 ty-one years of age and maintain a place of business in the
city or
34 county where the license is issued. For such business, if the
applicant
35 is a firm or partnership, each member thereof shall comply with
all of
36 the requirements set forth in this subdivision and if the
applicant is a
37 corporation, each officer thereof shall so comply.
38 (a) Applications shall be made and renewed, in the case of a
license
39 to carry or possess a pistol or revolver, to the licensing
officer in
40 the city or county, as the case may be, where the applicant
resides, is
41 principally employed or has his OR HER principal place of
business as

42 merchant or storekeeper; and, in the case of a license as
gunsmith or
43 dealer in firearms, to the licensing officer where such place of
busi-
44 ness is located. Blank applications shall, except in the city
of New
45 York, be approved as to form by the superintendent of state
police. An
46 application shall state the full name, date of birth, residence,
present
47 occupation of each person or individual signing the same, whether
or not
48 he OR SHE is a citizen of the United States, whether or not he
OR SHE
49 complies with each requirement for eligibility specified in
subdivision
50 one of this section and such other facts as may be required to
show the
51 good character, competency and integrity of each person or
individual
52 signing the application. An application shall be signed and
verified by
53 the applicant. Each individual signing an application shall
submit one
54 photograph of himself OR HERSELF and a duplicate for each
required copy
55 of the application. Such photographs shall have been taken within
thirty
56 days prior to filing the application. In case of a license as
gunsmith

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1 or dealer in firearms, the photographs submitted shall be two
inches
2 square, and the application shall also state the previous
occupation of
3 each individual signing the same and the location of the place
of such
4 business, or of the bureau, agency, subagency, office or branch
office
5 for which the license is sought, specifying the name of the city,
town
6 or village, indicating the street and number and otherwise
giving such
7 apt description as to point out reasonably the location thereof.
In such
8 case, if the applicant is a firm, partnership or corporation, its
name,
9 date and place of formation, and principal place of business
shall be
10 stated. For such firm or partnership, the application shall be
signed
11 and verified by each individual composing or intending to
compose the
12 same, and for such corporation, by each officer thereof.
13 4. Investigation. Before a license is issued or renewed, there
shall

14 be an investigation of all statements required in the application
by the
15 duly constituted police authorities of the locality where such
applica-
16 tion is made, INCLUDING BUT NOT LIMITED TO SUCH RECORDS AS MAY BE
ACCES-
17 SIBLE TO THE DIVISION OF STATE POLICE OR DIVISION OF CRIMINAL
JUSTICE
18 SERVICES PURSUANT TO SECTION 400.02 OF THIS ARTICLE. For that
purpose,
19 the records of the appropriate office of the department of
mental
20 hygiene concerning previous or present mental illness of the
applicant
21 shall be available for inspection by the investigating officer
of the
22 police authority. In order to ascertain any previous criminal
record,
23 the investigating officer shall take the fingerprints and
physical
24 descriptive data in quadruplicate of each individual by whom the
appli-
25 cation is signed and verified. Two copies of such fingerprints
shall be
26 taken on standard fingerprint cards eight inches square, and
one copy
27 may be taken on a card supplied for that purpose by the federal
bureau
28 of investigation; provided, however, that in the case of a
corporate
29 applicant that has already been issued a dealer in firearms
license and
30 seeks to operate a firearm dealership at a second or
subsequent
31 location, the original fingerprints on file may be used to
ascertain any
32 criminal record in the second or subsequent application unless
any of
33 the corporate officers have changed since the prior
application, in
34 which case the new corporate officer shall comply with
procedures
35 governing an initial application for such license. When
completed, one
36 standard card shall be forwarded to and retained by the
division of
37 criminal justice services in the executive department, at
Albany. A
38 search of the files of such division and written notification
of the
39 results of the search to the investigating officer shall be made
without
40 unnecessary delay. Thereafter, such division shall notify the
licensing
41 officer and the executive department, division of state police,
Albany,

42 of any criminal record of the applicant filed therein subsequent
to the
43 search of its files. A second standard card, or the one supplied
by the
44 federal bureau of investigation, as the case may be, shall be
forwarded
45 to that bureau at Washington with a request that the files of the
bureau
46 be searched and notification of the results of the search be made
to the
47 investigating police authority. [The failure or refusal of the
federal
48 bureau of investigation to make the fingerprint check provided
for in
49 this section shall not constitute the sole basis for refusal to
issue a
50 permit pursuant to the provisions of this section.] Of the
remaining two
51 fingerprint cards, one shall be filed with the executive
department,
52 division of state police, Albany, within ten days after issuance
of the
53 license, and the other remain on file with the investigating
police
54 authority. No such fingerprints may be inspected by any person
other
55 than a peace officer, who is acting pursuant to his special
duties, or a
56 police officer, except on order of a judge or justice of a
court of

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1 record either upon notice to the licensee or without notice,
as the

2 judge or justice may deem appropriate. Upon completion of the
investi-

3 gation, the police authority shall report the results to the
licensing

4 officer without unnecessary delay.

5 5. Filing of approved applications. (A) The application
for any

6 license, if granted, shall be filed by the licensing officer
with the

7 clerk of the county of issuance, except that in the city of
New York

8 and, in the counties of Nassau and Suffolk, the licensing officer
shall

9 designate the place of filing in the appropriate division,
bureau or

10 unit of the police department thereof, and in the county of
Suffolk the

11 county clerk is hereby authorized to transfer all records or
applica-

12 tions relating to firearms to the licensing authority of that
county.

13 [The] EXCEPT AS PROVIDED IN PARAGRAPHS (B) THROUGH (F) OF THIS
SUBDIVI-

14 SION, THE name and address of any person to whom an application
for any
15 license has been granted shall be a public record. Upon
application by a
16 licensee who has changed his place of residence such records or
applica-
17 tions shall be transferred to the appropriate officer at the
licensee's
18 new place of residence. A duplicate copy of such application
shall be
19 filed by the licensing officer in the executive department,
division of
20 state police, Albany, within ten days after issuance of the
license.
21 THE SUPERINTENDENT OF STATE POLICE MAY DESIGNATE THAT SUCH
APPLICATION
22 SHALL BE TRANSMITTED TO THE DIVISION OF STATE POLICE
ELECTRONICALLY. IN
23 THE EVENT THE SUPERINTENDENT OF THE DIVISION OF STATE POLICE
DETERMINES
24 THAT IT LACKS ANY OF THE RECORDS REQUIRED TO BE FILED WITH THE
DIVISION,
25 IT MAY REQUEST THAT SUCH RECORDS BE PROVIDED TO IT BY THE
APPROPRIATE
26 CLERK, DEPARTMENT OR AUTHORITY AND SUCH CLERK, DEPARTMENT OR
AUTHORITY
27 SHALL PROVIDE THE DIVISION WITH SUCH RECORDS. IN THE EVENT SUCH
CLERK,
28 DEPARTMENT OR AUTHORITY LACKS SUCH RECORDS, THE DIVISION MAY
REQUEST THE
29 LICENSE HOLDER PROVIDE INFORMATION SUFFICIENT TO CONSTITUTE SUCH
RECORD
30 AND SUCH LICENSE HOLDER SHALL PROVIDE THE DIVISION WITH SUCH
INFORMA-
31 TION. SUCH INFORMATION SHALL BE LIMITED TO THE LICENSE HOLDER'S
NAME,
32 DATE OF BIRTH, GENDER, RACE, RESIDENTIAL ADDRESS, SOCIAL SECURITY
NUMBER
33 AND FIREARMS POSSESSED BY SAID LICENSE HOLDER. Nothing in this
subdivi-
34 sion shall be construed to change the expiration date or term of
such
35 licenses if otherwise provided for in law. RECORDS
ASSEMBLED OR
36 COLLECTED FOR PURPOSES OF INCLUSION IN THE DATABASE ESTABLISHED BY
THIS
37 SECTION SHALL BE RELEASED PURSUANT TO A COURT ORDER. RECORDS
ASSEMBLED
38 OR COLLECTED FOR PURPOSES OF INCLUSION IN THE DATABASE CREATED
PURSUANT
39 TO SECTION 400.02 OF THIS CHAPTER SHALL NOT BE SUBJECT TO
DISCLOSURE
40 PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW.
41 (B) EACH APPLICATION FOR A LICENSE PURSUANT TO PARAGRAPH (A) OF
THIS
42 SUBDIVISION SHALL INCLUDE, ON A SEPARATE WRITTEN FORM PREPARED
BY THE

43 DIVISION OF STATE POLICE WITHIN THIRTY DAYS OF THE EFFECTIVE DATE
OF THE
44 CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN, WHICH AMENDED
THIS
45 SECTION, AND PROVIDED TO THE APPLICANT AT THE SAME TIME AND IN
THE SAME
46 MANNER AS THE APPLICATION FOR A LICENSE, AN OPPORTUNITY FOR THE
APPLI-
47 CANT TO REQUEST AN EXCEPTION FROM HIS OR HER APPLICATION
INFORMATION
48 BECOMING PUBLIC RECORD PURSUANT TO PARAGRAPH (A) OF THIS
SUBDIVISION.
49 SUCH FORMS, WHICH SHALL ALSO BE MADE AVAILABLE TO INDIVIDUALS
WHO HAD
50 APPLIED FOR OR BEEN GRANTED A LICENSE PRIOR TO THE EFFECTIVE DATE
OF THE
51 CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH AMENDED THIS
SECTION,
52 SHALL NOTIFY APPLICANTS THAT, UPON DISCOVERY THAT AN APPLICANT
KNOWINGLY
53 PROVIDED FALSE INFORMATION, SUCH APPLICANT MAY BE SUBJECT TO
PENALTIES
54 PURSUANT TO SECTION 175.30 OF THIS CHAPTER, AND FURTHER, THAT HIS
OR HER
55 REQUEST FOR AN EXCEPTION SHALL BE NULL AND VOID, PROVIDED THAT
WRITTEN
56 NOTICE CONTAINING SUCH DETERMINATION IS PROVIDED TO THE
APPLICANT.

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1 FURTHER, SUCH FORMS SHALL PROVIDE EACH APPLICANT AN OPPORTUNITY TO
SPEC-
2 IFY THE GROUNDS ON WHICH HE OR SHE BELIEVES HIS OR HER
APPLICATION
3 INFORMATION SHOULD NOT BE PUBLICLY DISCLOSED. THESE GROUNDS, WHICH
SHALL
4 BE IDENTIFIED ON THE APPLICATION WITH A BOX BESIDE EACH FOR
CHECKING, AS
5 APPLICABLE, BY THE APPLICANT, SHALL BE AS FOLLOWS:
6 (I) THE APPLICANT'S LIFE OR SAFETY MAY BE ENDANGERED BY
DISCLOSURE
7 BECAUSE:
8 (A) THE APPLICANT IS AN ACTIVE OR RETIRED POLICE OFFICER, PEACE
OFFI-
9 CER, PROBATION OFFICER, PAROLE OFFICER, OR CORRECTIONS OFFICER;
10 (B) THE APPLICANT IS A PROTECTED PERSON UNDER A CURRENTLY VALID
ORDER
11 OF PROTECTION;
12 (C) THE APPLICANT IS OR WAS A WITNESS IN A CRIMINAL PROCEEDING
INVOLV-
13 ING A CRIMINAL CHARGE;
14 (D) THE APPLICANT IS PARTICIPATING OR PREVIOUSLY PARTICIPATED
AS A
15 JUROR IN A CRIMINAL PROCEEDING, OR IS OR WAS A MEMBER OF A GRAND
JURY;
16 OR

17 (E) THE APPLICANT IS A SPOUSE, DOMESTIC PARTNER OR HOUSEHOLD
MEMBER OF
18 A PERSON IDENTIFIED IN THIS SUBPARAGRAPH OR SUBPARAGRAPH (II) OF
THIS
19 PARAGRAPH, SPECIFYING WHICH SUBPARAGRAPH OR SUBPARAGRAPHS AND
CLAUSES
20 APPLY.
21 (II) THE APPLICANT HAS REASON TO BELIEVE HIS OR HER LIFE OR
SAFETY MAY
22 BE ENDANGERED BY DISCLOSURE DUE TO REASONS STATED BY THE
APPLICANT.
23 (III) THE APPLICANT HAS REASON TO BELIEVE HE OR SHE MAY BE
SUBJECT TO
24 UNWARRANTED HARASSMENT UPON DISCLOSURE OF SUCH INFORMATION.
25 (C) EACH FORM PROVIDED FOR RECERTIFICATION PURSUANT TO
PARAGRAPH (B)
26 OF SUBDIVISION TEN OF THIS SECTION SHALL INCLUDE AN OPPORTUNITY
FOR THE
27 APPLICANT TO REQUEST AN EXCEPTION FROM THE INFORMATION PROVIDED
ON SUCH
28 FORM BECOMING PUBLIC RECORD PURSUANT TO PARAGRAPH (A) OF THIS
SUBDIVI-
29 SION. SUCH FORMS SHALL NOTIFY APPLICANTS THAT, UPON DISCOVERY
THAT AN
30 APPLICANT KNOWINGLY PROVIDED FALSE INFORMATION, SUCH APPLICANT
MAY BE
31 SUBJECT TO PENALTIES PURSUANT TO SECTION 175.30 OF THIS
CHAPTER, AND
32 FURTHER, THAT HIS OR HER REQUEST FOR AN EXCEPTION SHALL BE
NULL AND
33 VOID, PROVIDED THAT WRITTEN NOTICE CONTAINING SUCH
DETERMINATION IS
34 PROVIDED TO THE APPLICANT. FURTHER, SUCH FORMS SHALL PROVIDE
EACH
35 APPLICANT AN OPPORTUNITY TO EITHER DECLINE TO REQUEST THE
GRANT OR
36 CONTINUATION OF AN EXCEPTION, OR SPECIFY THE GROUNDS ON WHICH HE
OR SHE
37 BELIEVES HIS OR HER INFORMATION SHOULD NOT BE PUBLICLY DISCLOSED.
THESE
38 GROUNDS, WHICH SHALL BE IDENTIFIED IN THE APPLICATION WITH A BOX
BESIDE
39 EACH FOR CHECKING, AS APPLICABLE, BY THE APPLICANT, SHALL BE THE
SAME AS
40 PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION.
41 (D) INFORMATION SUBMITTED ON THE FORMS DESCRIBED IN PARAGRAPH
(B) OF
42 THIS SUBDIVISION SHALL BE EXCEPTED FROM DISCLOSURE AND MAINTAINED
BY THE
43 ENTITY RETAINING SUCH INFORMATION SEPARATE AND APART FROM ALL
OTHER
44 RECORDS.
45 (E) (I) UPON RECEIVING A REQUEST FOR EXCEPTION FROM
DISCLOSURE, THE
46 LICENSING OFFICER SHALL GRANT SUCH EXCEPTION, UNLESS THE
REQUEST IS

47 DETERMINED TO BE NULL AND VOID, PURSUANT TO PARAGRAPH (B) OR (C)
OF THIS

48 SUBDIVISION.

49 (II) A REQUEST FOR AN EXCEPTION FROM DISCLOSURE MAY BE
SUBMITTED AT

50 ANY TIME, INCLUDING AFTER A LICENSE OR RECERTIFICATION HAS BEEN
GRANTED.

51 (III) IF AN EXCEPTION IS SOUGHT AND GRANTED PURSUANT TO
PARAGRAPH (B)

52 OF THIS SUBDIVISION, THE APPLICATION INFORMATION SHALL NOT BE
PUBLIC

53 RECORD, UNLESS THE REQUEST IS DETERMINED TO BE NULL AND VOID.
IF AN

54 EXCEPTION IS SOUGHT AND GRANTED PURSUANT TO PARAGRAPH (C) OF THIS
SUBDI-

55 VISION, THE INFORMATION CONCERNING SUCH RECERTIFICATION
APPLICATION

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1 SHALL NOT BE PUBLIC RECORD, UNLESS THE REQUEST IS DETERMINED TO BE
NULL

2 AND VOID.

3 (F) THE INFORMATION OF LICENSEES OR APPLICANTS FOR A LICENSE
SHALL NOT

4 BE DISCLOSED TO THE PUBLIC DURING THE FIRST ONE HUNDRED
TWENTY DAYS

5 FOLLOWING THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO
THOUSAND

6 THIRTEEN, WHICH AMENDED THIS SECTION. AFTER SUCH PERIOD, THE
INFORMA-

7 TION OF THOSE WHO HAD APPLIED FOR OR BEEN GRANTED A LICENSE PRIOR
TO THE

8 PREPARATION OF THE FORM FOR REQUESTING AN EXCEPTION, PURSUANT TO
PARA-

9 GRAPH (B) OF THIS SUBDIVISION, MAY BE RELEASED ONLY IF SUCH
INDIVIDUALS

10 DID NOT FILE A REQUEST FOR SUCH AN EXCEPTION DURING THE FIRST
SIXTY DAYS

11 FOLLOWING SUCH PREPARATION; PROVIDED, HOWEVER, THAT NO
INFORMATION

12 CONTAINED IN AN APPLICATION FOR LICENSURE OR RECERTIFICATION
SHALL BE

13 DISCLOSED BY AN ENTITY THAT HAS NOT COMPLETED PROCESSING ANY
SUCH

14 REQUESTS RECEIVED DURING SUCH SIXTY DAYS.

15 (G) IF A REQUEST FOR AN EXCEPTION IS DETERMINED TO BE NULL
AND VOID

16 PURSUANT TO PARAGRAPH (B) OR (C) OF THIS SUBDIVISION, AN
APPLICANT MAY

17 REQUEST REVIEW OF SUCH DETERMINATION PURSUANT TO ARTICLE
SEVENTY-EIGHT

18 OF THE CIVIL PRACTICE LAWS AND RULES. SUCH PROCEEDING MUST
COMMENCE

19 WITHIN THIRTY DAYS AFTER SERVICE OF THE WRITTEN NOTICE
CONTAINING THE

20 ADVERSE DETERMINATION. NOTICE OF THE RIGHT TO COMMENCE SUCH A
PETITION,

21 AND THE TIME PERIOD THEREFOR, SHALL BE INCLUDED IN THE NOTICE
OF THE
22 DETERMINATION. DISCLOSURE FOLLOWING SUCH A PETITION SHALL NOT BE
MADE

23 PRIOR TO THE DISPOSITION OF SUCH REVIEW.

24 9. License: amendment. Elsewhere than in the city of New
York, a

25 person licensed to carry or possess a pistol or revolver may
apply at

26 any time to his OR HER licensing officer for amendment of his
OR HER

27 license to include one or more such weapons or to cancel weapons
held

28 under license. If granted, a record of the amendment
describing the

29 weapons involved shall be filed by the licensing officer in the
execu-

30 tive department, division of state police, Albany. THE
SUPERINTENDENT OF

31 STATE POLICE MAY AUTHORIZE THAT SUCH AMENDMENT BE COMPLETED AND
TRANS-

32 MITTED TO THE STATE POLICE IN ELECTRONIC FORM. Notification
of any

33 change of residence shall be made in writing by any licensee
within ten

34 days after such change occurs, and a record of such change
shall be

35 inscribed by such licensee on the reverse side of his OR HER
license.

36 Elsewhere than in the city of New York, and in the counties of
Nassau

37 and Suffolk, such notification shall be made to the executive
depart-

38 ment, division of state police, Albany, and in the city of New
York to

39 the police commissioner of that city, and in the county of Nassau
to the

40 police commissioner of that county, and in the county of Suffolk
to the

41 licensing officer of that county, who shall, within ten days after
such

42 notification shall be received by him OR HER, give notice in
writing of

43 such change to the executive department, division of state
police, at

44 Albany.

45 10. License: expiration, certification and renewal. (A) Any
license

46 for gunsmith or dealer in firearms and, in the city of New
York, any

47 license to carry or possess a pistol or revolver, issued at
any time

48 pursuant to this section or prior to the first day of July,
nineteen

49 hundred sixty-three and not limited to expire on an earlier date
fixed

50 in the license, shall expire not more than three years after the
date of
51 issuance. In the counties of Nassau, Suffolk and
Westchester, any
52 license to carry or possess a pistol or revolver, issued at
any time
53 pursuant to this section or prior to the first day of July,
nineteen
54 hundred sixty-three and not limited to expire on an earlier date
fixed
55 in the license, shall expire not more than five years after the
date of
56 issuance; however, in the county of Westchester, any such license
shall

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1 be certified prior to the first day of April, two thousand, in
accord-
2 ance with a schedule to be contained in regulations promulgated
by the
3 commissioner of the division of criminal justice services, and
every
4 such license shall be recertified every five years
thereafter. For
5 purposes of this section certification shall mean that the
licensee
6 shall provide to the licensing officer the following information
only:
7 current name, date of birth, current address, and the make, model,
cali-
8 ber and serial number of all firearms currently possessed. Such
certif-
9 ication information shall be filed by the licensing officer in
the same
10 manner as an amendment. Elsewhere than in the city of New York
and the
11 counties of Nassau, Suffolk and Westchester, any license to
carry or
12 possess a pistol or revolver, issued at any time pursuant to
this
13 section or prior to the first day of July, nineteen hundred
sixty-three
14 and not previously revoked or cancelled, shall be in force and
effect
15 until revoked as herein provided. Any license not previously
cancelled
16 or revoked shall remain in full force and effect for thirty days
beyond
17 the stated expiration date on such license. Any application to
renew a
18 license that has not previously expired, been revoked or cancelled
shall
19 thereby extend the term of the license until disposition of the
applica-
20 tion by the licensing officer. In the case of a license for
gunsmith or

21 dealer in firearms, in counties having a population of less
than two
22 hundred thousand inhabitants, photographs and fingerprints
shall be
23 submitted on original applications and upon renewal thereafter
only at
24 six year intervals. Upon satisfactory proof that a currently
valid
25 original license has been despoiled, lost or otherwise removed
from the
26 possession of the licensee and upon application containing an
additional
27 photograph of the licensee, the licensing officer shall issue a
dupli-
28 cate license.

29 (B) ALL LICENSEES SHALL BE RECERTIFIED TO THE DIVISION OF STATE
POLICE
30 EVERY FIVE YEARS THEREAFTER. ANY LICENSE ISSUED BEFORE THE
EFFECTIVE
31 DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH
ADDED
32 THIS PARAGRAPH SHALL BE RECERTIFIED BY THE LICENSEE ON OR BEFORE
JANUARY
33 THIRTY-FIRST, TWO THOUSAND EIGHTEEN, AND NOT LESS THAN ONE YEAR
PRIOR TO
34 SUCH DATE, THE STATE POLICE SHALL SEND A NOTICE TO ALL LICENSE
HOLDERS
35 WHO HAVE NOT RECERTIFIED BY SUCH TIME. SUCH RECERTIFICATION SHALL
BE IN
36 A FORM AS APPROVED BY THE SUPERINTENDENT OF STATE POLICE, WHICH
SHALL
37 REQUEST THE LICENSE HOLDER'S NAME, DATE OF BIRTH, GENDER, RACE,
RESIDEN-
38 TIAL ADDRESS, SOCIAL SECURITY NUMBER, FIREARMS POSSESSED BY SUCH
LICENSE
39 HOLDER, EMAIL ADDRESS AT THE OPTION OF THE LICENSE HOLDER AND AN
AFFIR-
40 MATION THAT SUCH LICENSE HOLDER IS NOT PROHIBITED FROM
POSSESSING
41 FIREARMS. THE FORM MAY BE IN AN ELECTRONIC FORM IF SO DESIGNATED
BY THE
42 SUPERINTENDENT OF STATE POLICE. FAILURE TO RECERTIFY SHALL ACT
AS A
43 REVOCATION OF SUCH LICENSE. IF THE NEW YORK STATE POLICE
DISCOVER AS A
44 RESULT OF THE RECERTIFICATION PROCESS THAT A LICENSEE FAILED TO
PROVIDE
45 A CHANGE OF ADDRESS, THE NEW YORK STATE POLICE SHALL NOT
REQUIRE THE
46 LICENSING OFFICER TO REVOKE SUCH LICENSE.

47 11. License: revocation and suspension. (A) The conviction of a
licen-
48 see anywhere of a felony or serious offense OR A LICENSEE AT ANY
TIME
49 BECOMING INELIGIBLE TO OBTAIN A LICENSE UNDER THIS SECTION shall
operate

50 as a revocation of the license. A license may be revoked or
suspended as
51 provided for in section 530.14 of the criminal procedure law or
section
52 eight hundred forty-two-a of the family court act. Except for a
license
53 issued pursuant to section 400.01 of this article, a license
may be
54 revoked and cancelled at any time in the city of New York, and
in the
55 counties of Nassau and Suffolk, by the licensing officer, and
elsewhere
56 than in the city of New York by any judge or justice of a
court of

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1 record; a license issued pursuant to section 400.01 of this
article may
2 be revoked and cancelled at any time by the licensing officer
or any
3 judge or justice of a court of record. The official revoking a
license
4 shall give written notice thereof without unnecessary delay to the
exec-
5 utive department, division of state police, Albany, and shall also
noti-
6 fy immediately the duly constituted police authorities of the
locality.

7 (B) WHENEVER THE DIRECTOR OF COMMUNITY SERVICES OR HIS OR HER
DESIGNEE

8 MAKES A REPORT PURSUANT TO SECTION 9.46 OF THE MENTAL HYGIENE
LAW, THE

9 DIVISION OF CRIMINAL JUSTICE SERVICES SHALL CONVEY SUCH
INFORMATION,

10 WHENEVER IT DETERMINES THAT THE PERSON NAMED IN THE REPORT
POSSESSES A

11 LICENSE ISSUED PURSUANT TO THIS SECTION, TO THE APPROPRIATE
LICENSING

12 OFFICIAL, WHO SHALL ISSUE AN ORDER SUSPENDING OR REVOKING SUCH
LICENSE.

13 (C) IN ANY INSTANCE IN WHICH A PERSON'S LICENSE IS
SUSPENDED OR

14 REVOKED UNDER PARAGRAPH (A) OR (B) OF THIS SUBDIVISION, SUCH
PERSON

15 SHALL SURRENDER SUCH LICENSE TO THE APPROPRIATE LICENSING
OFFICIAL AND

16 ANY AND ALL FIREARMS, RIFLES, OR SHOTGUNS OWNED OR POSSESSED BY
SUCH

17 PERSON SHALL BE SURRENDERED TO AN APPROPRIATE LAW ENFORCEMENT
AGENCY AS

18 PROVIDED IN SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION
A OF

19 SECTION 265.20 OF THIS CHAPTER. IN THE EVENT SUCH LICENSE,
FIREARM,

20 SHOTGUN, OR RIFLE IS NOT SURRENDERED, SUCH ITEMS SHALL BE
REMOVED AND

21 DECLARED A NUISANCE AND ANY POLICE OFFICER OR PEACE OFFICER
ACTING
22 PURSUANT TO HIS OR HER SPECIAL DUTIES IS AUTHORIZED TO REMOVE
ANY AND
23 ALL SUCH WEAPONS.
24 12. Records required of gunsmiths and dealers in firearms. Any
person
25 licensed as gunsmith or dealer in firearms shall keep a record
book
26 approved as to form, except in the city of New York, by the
superinten-
27 dent of state police. In the record book shall be entered at the
time of
28 every transaction involving a firearm the date, name, age,
occupation
29 and residence of any person from whom a firearm is received or to
whom a
30 firearm is delivered, and the calibre, make, model,
manufacturer's name
31 and serial number, or if none, any other distinguishing number or
iden-
32 tification mark on such firearm. Before delivering a firearm
to any
33 person, the licensee shall require him to produce either a license
valid
34 under this section to carry or possess the same, or proof of
lawful
35 authority as an exempt person pursuant to section 265.20. In
addition,
36 before delivering a firearm to a peace officer, the licensee shall
veri-
37 fy that person's status as a peace officer with the division of
state
38 police. After completing the foregoing, the licensee shall
remove and
39 retain the attached coupon and enter in the record book the date
of such
40 license, number, if any, and name of the licensing officer, in the
case
41 of the holder of a license to carry or possess, or the shield or
other
42 number, if any, assignment and department, unit or agency, in the
case
43 of an exempt person. The original transaction report shall be
forwarded
44 to the division of state police within ten days of delivering a
firearm
45 to any person, and a duplicate copy shall be kept by the
licensee. THE
46 SUPERINTENDENT OF STATE POLICE MAY DESIGNATE THAT SUCH RECORD
SHALL BE
47 COMPLETED AND TRANSMITTED IN ELECTRONIC FORM. A DEALER MAY BE
GRANTED A
48 WAIVER FROM TRANSMITTING SUCH RECORDS IN ELECTRONIC FORM IF THE
SUPER-
49 INTENDENT DETERMINES THAT SUCH DEALER IS INCAPABLE OF SUCH
TRANSMISSION

50 DUE TO TECHNOLOGICAL LIMITATIONS THAT ARE NOT REASONABLY
WITHIN THE
51 CONTROL OF THE DEALER, OR OTHER EXCEPTIONAL CIRCUMSTANCES
DEMONSTRATED
52 BY THE DEALER, PURSUANT TO A PROCESS ESTABLISHED IN REGULATION,
AND AT
53 THE DISCRETION OF THE SUPERINTENDENT. RECORDS ASSEMBLED OR
COLLECTED FOR
54 PURPOSES OF INCLUSION IN THE DATABASE CREATED PURSUANT TO SECTION
400.02
55 OF THIS ARTICLE SHALL NOT BE SUBJECT TO DISCLOSURE PURSUANT TO
ARTICLE

56 SIX OF THE PUBLIC OFFICERS LAW. The record book shall be
maintained on

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1 the premises mentioned and described in the license and shall be
open at

2 all reasonable hours for inspection by any peace officer, acting
pursu-

3 ant to his special duties, or police officer. In the event of
cancella-

4 tion or revocation of the license for gunsmith or dealer in
firearms, or

5 discontinuance of business by a licensee, such record book
shall be

6 immediately surrendered to the licensing officer in the city
of New

7 York, and in the counties of Nassau and Suffolk, and elsewhere
in the

8 state to the executive department, division of state police.

9 15. Any violation by any person of any provision of this section
is a

10 class A misdemeanor.

11 16-A. REGISTRATION. (A) AN OWNER OF A WEAPON DEFINED IN
PARAGRAPH (E)

12 OR (F) OF SUBDIVISION TWENTY-TWO OF SECTION 265.00 OF THIS
CHAPTER,

13 POSSESSED BEFORE THE DATE OF THE EFFECTIVE DATE OF THE CHAPTER
OF THE

14 LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PARAGRAPH, MUST
MAKE AN

15 APPLICATION TO REGISTER SUCH WEAPON WITH THE SUPERINTENDENT OF
STATE

16 POLICE, IN THE MANNER PROVIDED BY THE SUPERINTENDENT, OR BY
AMENDING A

17 LICENSE ISSUED PURSUANT TO THIS SECTION WITHIN ONE YEAR OF THE
EFFECTIVE

18 DATE OF THIS SUBDIVISION EXCEPT ANY WEAPON DEFINED UNDER
SUBPARAGRAPH

19 (VI) OF PARAGRAPH (G) OF SUBDIVISION TWENTY-TWO OF SECTION
265.00 OF

20 THIS CHAPTER TRANSFERRED INTO THE STATE MAY BE REGISTERED AT ANY
TIME,

21 PROVIDED SUCH WEAPONS ARE REGISTERED WITHIN THIRTY DAYS OF THEIR
TRANS-

22 FER INTO THE STATE. REGISTRATION INFORMATION SHALL INCLUDE THE
REGIS-
23 TRANT'S NAME, DATE OF BIRTH, GENDER, RACE, RESIDENTIAL ADDRESS,
SOCIAL
24 SECURITY NUMBER AND A DESCRIPTION OF EACH WEAPON BEING
REGISTERED. A
25 REGISTRATION OF ANY WEAPON DEFINED UNDER SUBPARAGRAPH (VI) OF
PARAGRAPH
26 (G) OF SUBDIVISION TWENTY-TWO OF SECTION 265.00 OR A FEEDING
DEVICE AS
27 DEFINED UNDER SUBDIVISION TWENTY-THREE OF SECTION 265.00 OF THIS
CHAPTER
28 SHALL BE TRANSFERABLE, PROVIDED THAT THE SELLER NOTIFIES THE
STATE
29 POLICE WITHIN SEVENTY-TWO HOURS OF THE TRANSFER AND THE BUYER
PROVIDES
30 THE STATE POLICE WITH INFORMATION SUFFICIENT TO CONSTITUTE A
REGISTRA-
31 TION UNDER THIS SECTION. SUCH REGISTRATION SHALL NOT BE VALID
IF SUCH
32 REGISTRANT IS PROHIBITED OR BECOMES PROHIBITED FROM POSSESSING A
FIREARM
33 PURSUANT TO STATE OR FEDERAL LAW. THE SUPERINTENDENT SHALL
DETERMINE
34 WHETHER SUCH REGISTRANT IS PROHIBITED FROM POSSESSING A FIREARM
UNDER
35 STATE OR FEDERAL LAW. SUCH CHECK SHALL BE LIMITED TO DETERMINING
WHETH-
36 ER THE FACTORS IN 18 USC 922 (G) APPLY OR WHETHER A REGISTRANT
HAS BEEN
37 CONVICTED OF A SERIOUS OFFENSE AS DEFINED IN SUBDIVISION
SIXTEEN-B OF
38 SECTION 265.00 OF THIS CHAPTER, SO AS TO PROHIBIT SUCH
REGISTRANT FROM
39 POSSESSING A FIREARM, AND WHETHER A REPORT HAS BEEN ISSUED
PURSUANT TO
40 SECTION 9.46 OF THE MENTAL HYGIENE LAW. ALL REGISTRANTS SHALL
RECERTIFY
41 TO THE DIVISION OF STATE POLICE EVERY FIVE YEARS THEREAFTER.
FAILURE TO
42 RECERTIFY SHALL RESULT IN A REVOCATION OF SUCH REGISTRATION.
43 (B) THE SUPERINTENDENT OF STATE POLICE SHALL CREATE AND
MAINTAIN AN
44 INTERNET WEBSITE TO EDUCATE THE PUBLIC AS TO WHICH SEMIAUTOMATIC
RIFLE,
45 SEMIAUTOMATIC SHOTGUN OR SEMIAUTOMATIC PISTOL OR WEAPON THAT ARE
ILLEGAL
46 AS A RESULT OF THE ENACTMENT OF THE CHAPTER OF THE LAWS OF TWO
THOUSAND
47 THIRTEEN WHICH ADDED THIS PARAGRAPH, AS WELL AS SUCH ASSAULT
WEAPONS
48 WHICH ARE ILLEGAL PURSUANT TO ARTICLE TWO HUNDRED SIXTY-FIVE
OF THIS
49 CHAPTER. SUCH WEBSITE SHALL CONTAIN INFORMATION TO ASSIST THE
PUBLIC IN
50 RECOGNIZING THE RELEVANT FEATURES PROSCRIBED BY SUCH ARTICLE TWO
HUNDRED

51 SIXTY-FIVE, AS WELL AS WHICH MAKE AND MODEL OF WEAPONS THAT
REQUIRE

52 REGISTRATION.

53 (C) A PERSON WHO KNOWINGLY FAILS TO APPLY TO REGISTER SUCH
WEAPON, AS

54 REQUIRED BY THIS SECTION, WITHIN ONE YEAR OF THE EFFECTIVE DATE
OF THE

55 CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS
PARAGRAPH

56 SHALL BE GUILTY OF A CLASS A MISDEMEANOR AND SUCH PERSON WHO
UNKNOWNINGLY

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1 FAILS TO VALIDLY REGISTER SUCH WEAPON WITHIN SUCH ONE YEAR PERIOD
SHALL

2 BE GIVEN A WARNING BY AN APPROPRIATE LAW ENFORCEMENT AUTHORITY
ABOUT

3 SUCH FAILURE AND GIVEN THIRTY DAYS IN WHICH TO APPLY TO
REGISTER SUCH

4 WEAPON OR TO SURRENDER IT. A FAILURE TO APPLY OR SURRENDER SUCH
WEAPON

5 WITHIN SUCH THIRTY-DAY PERIOD SHALL RESULT IN SUCH WEAPON BEING
REMOVED

6 BY AN APPROPRIATE LAW ENFORCEMENT AUTHORITY AND DECLARED A
NUISANCE.

7 16-B. THE COST OF THE SOFTWARE, PROGRAMMING AND INTERFACE
REQUIRED TO

8 TRANSMIT ANY RECORD THAT MUST BE ELECTRONICALLY TRANSMITTED BY THE
DEAL-

9 ER OR LICENSING OFFICER TO THE DIVISION OF STATE POLICE PURSUANT
TO THIS

10 CHAPTER SHALL BE BORNE BY THE STATE.

11 S 49. The penal law is amended by adding a new section 400.02 to
read

12 as follows:

13 S 400.02 STATEWIDE LICENSE AND RECORD DATABASE.

14 THERE SHALL BE A STATEWIDE LICENSE AND RECORD DATABASE WHICH
SHALL BE

15 CREATED AND MAINTAINED BY THE DIVISION OF STATE POLICE THE COST OF
WHICH

16 SHALL NOT BE BORNE BY ANY MUNICIPALITY. RECORDS ASSEMBLED OR
COLLECTED

17 FOR PURPOSES OF INCLUSION IN SUCH DATABASE SHALL NOT BE
SUBJECT TO

18 DISCLOSURE PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW.
RECORDS

19 CONTAINING GRANTED LICENSE APPLICATIONS SHALL BE PERIODICALLY
CHECKED BY

20 THE DIVISION OF CRIMINAL JUSTICE SERVICES AGAINST CRIMINAL
CONVICTION,

21 MENTAL HEALTH, AND ALL OTHER RECORDS AS ARE NECESSARY TO DETERMINE
THEIR

22 CONTINUED ACCURACY AS WELL AS WHETHER AN INDIVIDUAL IS NO
LONGER A

23 VALID LICENSE HOLDER. THE DIVISION OF CRIMINAL JUSTICE SERVICES
SHALL

24 ALSO CHECK PENDING APPLICATIONS MADE PURSUANT TO THIS ARTICLE
AGAINST
25 SUCH RECORDS TO DETERMINE WHETHER A LICENSE MAY BE GRANTED. ALL
STATE
26 AGENCIES SHALL COOPERATE WITH THE DIVISION OF CRIMINAL JUSTICE
SERVICES,
27 AS OTHERWISE AUTHORIZED BY LAW, IN MAKING THEIR RECORDS
AVAILABLE FOR
28 SUCH CHECKS. THE DIVISION OF CRIMINAL JUSTICE SERVICES, UPON
DETERMINING
29 THAT AN INDIVIDUAL IS INELIGIBLE TO POSSESS A LICENSE, OR IS NO
LONGER A
30 VALID LICENSE HOLDER, SHALL NOTIFY THE APPLICABLE LICENSING
OFFICIAL OF
31 SUCH DETERMINATION AND SUCH LICENSING OFFICIAL SHALL NOT ISSUE A
LICENSE
32 OR REVOKE SUCH LICENSE AND ANY WEAPONS OWNED OR POSSESSED BY SUCH
INDI-
33 VIDUAL SHALL BE REMOVED CONSISTENT WITH THE PROVISIONS OF
SUBDIVISION
34 ELEVEN OF SECTION 400.00 OF THIS ARTICLE. LOCAL AND STATE LAW
ENFORCE-
35 MENT SHALL HAVE ACCESS TO SUCH DATABASE, AS OTHERWISE AUTHORIZED
BY LAW,
36 IN THE PERFORMANCE OF THEIR DUTIES. RECORDS ASSEMBLED OR
COLLECTED FOR
37 PURPOSES OF INCLUSION IN THE DATABASE ESTABLISHED BY THIS SECTION
SHALL
38 BE RELEASED PURSUANT TO A COURT ORDER.
39 S 50. The penal law is amended by adding a new section 400.03
to read
40 as follows:
41 S 400.03 SELLERS OF AMMUNITION.
42 1. A SELLER OF AMMUNITION AS DEFINED IN SUBDIVISION TWENTY-
FOUR OF
43 SECTION 265.00 OF THIS CHAPTER SHALL REGISTER WITH THE
SUPERINTENDENT OF
44 STATE POLICE IN A MANNER PROVIDED BY THE SUPERINTENDENT. ANY
DEALER IN
45 FIREARMS THAT IS VALIDLY LICENSED PURSUANT TO SECTION 400.00 OF
THIS
46 ARTICLE SHALL NOT BE REQUIRED TO COMPLETE SUCH REGISTRATION.
47 2. ANY SELLER OF AMMUNITION OR DEALER IN FIREARMS SHALL KEEP A
RECORD
48 BOOK APPROVED AS TO FORM BY THE SUPERINTENDENT OF STATE POLICE.
IN THE
49 RECORD BOOK SHALL BE ENTERED AT THE TIME OF EVERY TRANSACTION
INVOLVING
50 AMMUNITION THE DATE, NAME, AGE, OCCUPATION AND RESIDENCE OF ANY
PERSON
51 FROM WHOM AMMUNITION IS RECEIVED OR TO WHOM AMMUNITION IS
DELIVERED, AND
52 THE AMOUNT, CALIBRE, MANUFACTURER'S NAME AND SERIAL NUMBER, OR IF
NONE,
53 ANY OTHER DISTINGUISHING NUMBER OR IDENTIFICATION MARK ON SUCH
AMMUNI-

54 TION. THE RECORD BOOK SHALL BE MAINTAINED ON THE PREMISES
MENTIONED AND

55 DESCRIBED IN THE LICENSE AND SHALL BE OPEN AT ALL REASONABLE
HOURS FOR

56 INSPECTION BY ANY PEACE OFFICER, ACTING PURSUANT TO HIS OR HER
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1 DUTIES, OR POLICE OFFICER. ANY RECORD PRODUCED PURSUANT TO THIS
SECTION

2 AND ANY TRANSMISSION THEREOF TO ANY GOVERNMENT AGENCY SHALL
NOT BE

3 CONSIDERED A PUBLIC RECORD FOR PURPOSES OF ARTICLE SIX OF THE
PUBLIC

4 OFFICERS LAW.

5 3. NO LATER THAN THIRTY DAYS AFTER THE SUPERINTENDENT OF THE
STATE

6 POLICE CERTIFIES THAT THE STATEWIDE LICENSE AND RECORD DATABASE
ESTAB-

7 LISHED PURSUANT TO SECTION 400.02 OF THIS ARTICLE IS OPERATIONAL
FOR THE

8 PURPOSES OF THIS SECTION, A DEALER IN FIREARMS LICENSED
PURSUANT TO

9 SECTION 400.00 OF THIS ARTICLE, A SELLER OF AMMUNITION AS
DEFINED IN

10 SUBDIVISION TWENTY-FOUR OF SECTION 265.00 OF THIS CHAPTER
SHALL NOT

11 TRANSFER ANY AMMUNITION TO ANY OTHER PERSON WHO IS NOT A
DEALER IN

12 FIREARMS AS DEFINED IN SUBDIVISION NINE OF SUCH SECTION
265.00 OR A

13 SELLER OF AMMUNITION AS DEFINED IN SUBDIVISION TWENTY-FOUR OF
SECTION

14 265.00 OF THIS CHAPTER, UNLESS:

15 (A) BEFORE THE COMPLETION OF THE TRANSFER, THE LICENSEE OR
SELLER

16 CONTACTS THE STATEWIDE LICENSE AND RECORD DATABASE AND
PROVIDES THE

17 DATABASE WITH INFORMATION SUFFICIENT TO IDENTIFY SUCH DEALER OR
SELLER,

18 TRANSFEREE BASED ON INFORMATION ON THE TRANSFEREE'S IDENTIFICATION
DOCU-

19 MENT AS DEFINED IN PARAGRAPH (C) OF THIS SUBDIVISION, AS WELL
AS THE

20 AMOUNT, CALIBRE, MANUFACTURER'S NAME AND SERIAL NUMBER, IF ANY,
OF SUCH

21 AMMUNITION;

22 (B) THE SYSTEM PROVIDES THE LICENSEE OR SELLER WITH A UNIQUE
IDENTIFI-

23 CATION NUMBER; AND

24 (C) THE TRANSFEROR HAS VERIFIED THE IDENTITY OF THE
TRANSFEREE BY

25 EXAMINING A VALID STATE IDENTIFICATION DOCUMENT OF THE TRANSFEREE
ISSUED

26 BY THE DEPARTMENT OF MOTOR VEHICLES OR IF THE TRANSFEREE IS NOT A
RESI-

27 DENT OF THE STATE OF NEW YORK, A VALID IDENTIFICATION DOCUMENT
ISSUED BY
28 THE TRANSFEREE'S STATE OR COUNTRY OF RESIDENCE CONTAINING A
PHOTOGRAPH
29 OF THE TRANSFEREE.
30 4. IF THE DATABASE DETERMINES THAT THE PURCHASER OF
AMMUNITION IS
31 ELIGIBLE TO POSSESS AMMUNITION PURSUANT TO STATE AND FEDERAL
LAWS, THE
32 SYSTEM SHALL:
33 (A) ASSIGN A UNIQUE IDENTIFICATION NUMBER TO THE TRANSFER; AND
34 (B) PROVIDE THE LICENSEE OR SELLER WITH THE NUMBER.
35 5. IF THE STATEWIDE LICENSE AND RECORD DATABASE NOTIFIES THE
LICENSEE
36 OR SELLER THAT THE INFORMATION AVAILABLE TO THE DATABASE DOES NOT
DEMON-
37 STRATE THAT THE RECEIPT OF AMMUNITION BY SUCH OTHER PERSON WOULD
VIOLATE
38 18 U.S.C. 922(G) OR STATE LAW, AND THE LICENSEE TRANSFERS
AMMUNITION TO
39 SUCH OTHER PERSON, THE LICENSEE SHALL INDICATE TO THE DATABASE
THAT SUCH
40 TRANSACTION HAS BEEN COMPLETED AT WHICH POINT A RECORD OF SUCH
TRANS-
41 ACTION SHALL BE CREATED WHICH SHALL BE ACCESSIBLE BY THE
DIVISION OF
42 STATE POLICE AND MAINTAINED FOR NO LONGER THAN ONE YEAR FROM
POINT OF
43 PURCHASE, WHICH SHALL NOT BE INCORPORATED INTO THE DATABASE
ESTABLISHED
44 PURSUANT TO SECTION 400.02 OF THIS ARTICLE OR THE REGISTRY
ESTABLISHED
45 PURSUANT TO SUBDIVISION SIXTEEN-A OF SECTION 400.00 OF THIS
ARTICLE. THE
46 DIVISION OF STATE POLICE MAY SHARE SUCH INFORMATION WITH A
LOCAL LAW
47 ENFORCEMENT AGENCY. EVIDENCE OF THE PURCHASE OF AMMUNITION
IS NOT
48 SUFFICIENT TO ESTABLISH PROBABLE CAUSE TO BELIEVE THAT THE
PURCHASER HAS
49 COMMITTED A CRIME ABSENT OTHER INFORMATION TENDING TO PROVE THE
COMMIS-
50 SION OF A CRIME. RECORDS ASSEMBLED OR ACCESSED PURSUANT TO THIS
SECTION
51 SHALL NOT BE SUBJECT TO DISCLOSURE PURSUANT TO ARTICLE SIX OF THE
PUBLIC
52 OFFICERS LAW. THIS REQUIREMENT OF THIS SECTION SHALL NOT APPLY (I)
IF A
53 BACKGROUND CHECK CANNOT BE COMPLETED BECAUSE THE SYSTEM IS NOT
OPERA-
54 TIONAL AS DETERMINED BY THE SUPERINTENDENT OF STATE POLICE, OR
WHERE IT
55 CANNOT BE ACCESSED BY THE PRACTITIONER DUE TO A TEMPORARY
TECHNOLOGICAL
56 OR ELECTRICAL FAILURE, AS SET FORTH IN REGULATION, OR (II) A
DEALER OR

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1 SELLER HAS BEEN GRANTED A WAIVER FROM CONDUCTING SUCH BACKGROUND CHECK

2 IF THE SUPERINTENDENT OF STATE POLICE DETERMINES THAT SUCH DEALER IS

3 INCAPABLE OF SUCH CHECK DUE TO TECHNOLOGICAL LIMITATIONS THAT ARE NOT

4 REASONABLY WITHIN THE CONTROL OF THE DEALER, OR OTHER EXCEPTIONAL

5 CIRCUMSTANCES DEMONSTRATED BY THE DEALER, PURSUANT TO A PROCESS ESTAB-

6 LISHED IN REGULATION, AND AT THE DISCRETION OF SUCH SUPERINTENDENT.

7 6. IF THE SUPERINTENDENT OF STATE POLICE CERTIFIES THAT BACKGROUND

8 CHECKS OF AMMUNITION PURCHASERS MAY BE CONDUCTED THROUGH THE NATIONAL

9 INSTANT CRIMINAL BACKGROUND CHECK SYSTEM, USE OF THAT SYSTEM BY A DEALER

10 OR SELLER SHALL BE SUFFICIENT TO SATISFY SUBDIVISIONS FOUR AND FIVE OF

11 THIS SECTION AND SUCH CHECKS SHALL BE CONDUCTED THROUGH SUCH SYSTEM,

12 PROVIDED THAT A RECORD OF SUCH TRANSACTION SHALL BE FORWARDED TO THE

13 STATE POLICE IN A FORM DETERMINED BY THE SUPERINTENDENT.

14 7. NO COMMERCIAL TRANSFER OF AMMUNITION SHALL TAKE PLACE UNLESS A

15 LICENSED DEALER IN FIREARMS OR REGISTERED SELLER OF AMMUNITION ACTS AS

16 AN INTERMEDIARY BETWEEN THE TRANSFEROR AND THE ULTIMATE TRANSFEREE OF

17 THE AMMUNITION FOR THE PURPOSES OF CONTACTING THE STATEWIDE LICENSE AND

18 RECORD DATABASE PURSUANT TO THIS SECTION. SUCH TRANSFER BETWEEN THE

19 DEALER OR SELLER, AND TRANSFEREE MUST OCCUR IN PERSON.

20 8. A SELLER OF AMMUNITION WHO FAILS TO REGISTER PURSUANT TO THIS

21 SECTION AND SELLS AMMUNITION, FOR A FIRST OFFENSE, SHALL BE GUILTY OF A

22 VIOLATION AND SUBJECT TO THE FINE OF ONE THOUSAND DOLLARS AND FOR A

23 SECOND OFFENSE, SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

24 A SELLER OF AMMUNITION THAT FAILS TO KEEP ANY RECORD REQUIRED PURSUANT

25 TO THIS SECTION, FOR A FIRST OFFENSE SHALL BE GUILTY OF A VIOLATION AND

26 SUBJECT TO A FINE OF FIVE HUNDRED DOLLARS, AND FOR A SECOND OFFENSE

27 SHALL BE GUILTY OF A CLASS B MISDEMEANOR, AND THE REGISTRATION OF SUCH

28 SELLER SHALL BE REVOKED.

29 S 51. Section 400.10 of the penal law, as added by chapter 531 of the

30 laws of 1984, and subdivision 1 as amended and subdivision 3 as
added by

31 chapter 189 of the laws of 2000, is amended to read as follows:

32 S 400.10 Report of theft or loss of a firearm, rifle or shotgun.

33 1. (a) Any owner or other person lawfully in possession of:
(I) a

34 firearm, rifle or, shotgun who suffers the loss or theft of said
weapon;

35 (II) AMMUNITION AS WELL AS A FIREARM, RIFLE OR SHOTGUN WHO
SUFFERS THE

36 LOSS OR THEFT OF SUCH AMMUNITION AS WELL AS A FIREARM, RIFLE OR
SHOTGUN;

37 OR (III) AMMUNITION AND IS A DEALER IN FIREARMS OR SELLER OF
AMMUNITION

38 WHO SUFFERS THE LOSS OR THEFT OF SUCH AMMUNITION shall within
twenty-

39 four hours of the discovery of the loss or theft report the
facts and

40 circumstances of the loss or theft to a police department or
sheriff's

41 office.

42 (b) Whenever a person reports the theft or loss of a firearm,
rifle

43 [or], shotgun OR AMMUNITION to any police department or
sheriff's

44 office, the officer or department receiving such report shall
forward

45 notice of such theft or loss to the division of state police via
the New

46 York Statewide Police Information Network. The notice shall
contain

47 information in compliance with the New York Statewide Police
Information

48 Network Operating Manual, including the caliber, make, model,
manufac-

49 turer's name and serial number, if any, and any other
distinguishing

50 number or identification mark on the weapon.

51 2. The division of state police shall receive, collect and
file the

52 information referred to in subdivision one of this section. The
division

53 shall cooperate, and undertake to furnish or make available
to law

54 enforcement agencies this information, for the purpose of
coordinating

55 law enforcement efforts to locate such weapons.

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1 3. Notwithstanding any other provision of law, a violation of
para-

2 graph (a) of subdivision one of this section shall be [punishable
only

3 by a fine not to exceed one hundred dollars] A CLASS A
MISDEMEANOR.

4 S 52. The penal law is amended by adding a new section 460.22
to read

5 as follows:
6 S 460.22 AGGRAVATED ENTERPRISE CORRUPTION.
7 A PERSON IS GUILTY OF AGGRAVATED ENTERPRISE CORRUPTION WHEN HE
OR SHE
8 COMMITS THE CRIME OF ENTERPRISE CORRUPTION AND TWO OR MORE OF
THE ACTS
9 THAT CONSTITUTE HIS OR HER PATTERN OF CRIMINAL ACTIVITY ARE
CLASS B
10 FELONIES OR HIGHER, AND AT LEAST TWO ACTS ARE ARMED FELONIES AS
DEFINED
11 IN PARAGRAPH (A) OF SUBDIVISION FORTY-ONE OF SECTION 1.20 OF THE
CRIMI-
12 NAL PROCEDURE LAW OR ONE ACT IS SUCH AN ARMED FELONY AND ONE
ACT IS A
13 VIOLATION OF SUBDIVISION TWO OF SECTION 265.17 OF THIS CHAPTER
OR ONE
14 ACT IS A CLASS B VIOLENT FELONY AND TWO ARE VIOLATIONS OF
SUBDIVISION
15 TWO OF SECTION 265.17 OF THIS CHAPTER.
16 AGGRAVATED ENTERPRISE CORRUPTION IS A CLASS A-I FELONY.
17 S 53. The surrogate's court procedure act is amended by adding
a new
18 section 2509 to read as follows:
19 S 2509. FIREARMS INVENTORY
20 WHENEVER, BY REGULATION, RULE OR STATUTE, A FIDUCIARY OR
ATTORNEY OF
21 RECORD MUST FILE A LIST OF ASSETS CONSTITUTING A DECEDENT'S
ESTATE, SUCH
22 LIST MUST INCLUDE A PARTICULARIZED DESCRIPTION OF EVERY FIREARM,
SHOTGUN
23 AND RIFLE, AS SUCH TERMS ARE DEFINED IN SECTION 265.00 OF THE
PENAL LAW,
24 THAT ARE PART OF SUCH ESTATE. SUCH LIST MUST BE FILED WITH THE
SURRO-
25 GATE'S COURT IN THE COUNTY IN WHICH THE ESTATE PROCEEDING, IF
ANY, IS
26 PENDING AND A COPY MUST BE FILED WITH THE DIVISION OF CRIMINAL
JUSTICE
27 SERVICES.
28 S 54. Section 18 of chapter 408 of the laws of 1999,
constituting
29 Kendra's Law, as amended by chapter 139 of the laws of 2010, is
amended
30 to read as follows:
31 S 18. This act shall take effect immediately, provided that
section
32 fifteen of this act shall take effect April 1, 2000, provided,
further,
33 that subdivision (e) of section 9.60 of the mental hygiene law as
added
34 by section six of this act shall be effective 90 days after
this act
35 shall become law; and that this act shall expire and be deemed
repealed
36 June 30, [2015] 2017.
37 S 55. The education law is amended by adding a new section
2801-b to

38 read as follows:
39 S 2801-B. NEW YORK STATE SCHOOL SAFETY IMPROVEMENT TEAMS. THE
GOVER-
40 NOR SHALL ESTABLISH NEW YORK STATE SCHOOL SAFETY IMPROVEMENT
TEAMS,
41 WHICH MAY BE COMPOSED OF REPRESENTATIVES FROM THE DIVISION OF
HOMELAND
42 SECURITY AND EMERGENCY SERVICES, THE DIVISION OF STATE POLICE, THE
DIVI-
43 SION OF CRIMINAL JUSTICE SERVICES, AND THE DEPARTMENT. SUCH NEW
YORK
44 STATE SCHOOL SAFETY IMPROVEMENT TEAMS SHALL REVIEW AND ASSESS
SCHOOL
45 SAFETY PLANS SUBMITTED, ON A VOLUNTARY BASIS, BY SCHOOL DISTRICTS
HAVING
46 A POPULATION OF LESS THAN ONE HUNDRED TWENTY-FIVE THOUSAND
INHABITANTS,
47 BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, AND COUNTY VOCATIONAL
EDUCA-
48 TION AND EXTENSION BOARDS, AND MAY MAKE RECOMMENDATIONS TO
IMPROVE SUCH
49 SCHOOL SAFETY PLANS.

50 S 56. Subdivision 6-c of section 3602 of the education law, as
amended
51 by section 1 of part A-2 of chapter 62 of the laws of 2003, is
amended
52 to read as follows:
53 6-c. A. Building aid for metal detectors, and safety devices for
elec-
54 trically operated partitions, room dividers and doors. In
addition to
55 the apportionments payable to a school district pursuant to
subdivision
56 six of this section, the commissioner is hereby authorized to
apportion

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1 to any school district additional building aid pursuant to this
subdivi-
2 sion for its approved expenditures in the base year for the
purchase of
3 stationary metal detectors, security cameras, safety devices for
elec-
4 trically operated partitions and room dividers required
pursuant to
5 section four hundred nine-f of this chapter, or other security
devices
6 approved by the commissioner that increase the safety of
students and
7 school personnel, provided, however, that funds apportioned to
school
8 districts pursuant to this section shall not supplant funds for
existing
9 district expenditures or for existing contractual obligations
of the
10 district for stationary metal detectors, security cameras,
partition and

11 room divider safety devices, or security devices. Portable or
hand held
12 metal detectors shall not be eligible for aid pursuant to this
subdivi-
13 sion. Such additional aid shall equal the product of the
building aid
14 ratio computed for use in the current year pursuant to paragraph
c of
15 subdivision six of this section and the actual approved
expenditures
16 incurred in the base year pursuant to this subdivision, provided
that
17 the limitations on cost allowances prescribed by paragraph a of
subdivi-
18 sion six of this section shall not apply. The commissioner shall
annual-
19 ly prescribe a special cost allowance for metal detectors, and
security
20 cameras, and the approved expenditures shall not exceed such cost
allow-
21 ance. The commissioner shall annually prescribe a special cost
allowance
22 for partition and room divider safety devices, and the approved
expendi-
23 tures shall not exceed such cost allowance.
24 B. FOR PROJECTS APPROVED BY THE COMMISSIONER AUTHORIZED TO
RECEIVE
25 ADDITIONAL BUILDING AID PURSUANT TO THIS SUBDIVISION FOR THE
PURCHASE OF
26 STATIONARY METAL DETECTORS, SECURITY CAMERAS OR OTHER SECURITY
DEVICES
27 APPROVED BY THE COMMISSIONER THAT INCREASE THE SAFETY OF
STUDENTS AND
28 SCHOOL PERSONNEL, PROVIDED THAT FOR PURPOSES OF THIS
PARAGRAPH SUCH
29 OTHER SECURITY DEVICES SHALL BE LIMITED TO ELECTRONIC SECURITY
SYSTEMS
30 AND HARDENED DOORS, AND PROVIDED THAT FOR PROJECTS APPROVED
BY THE
31 COMMISSIONER ON OR AFTER THE FIRST DAY OF JULY TWO THOUSAND
THIRTEEN AND
32 BEFORE THE FIRST DAY OF JULY TWO THOUSAND SIXTEEN SUCH
ADDITIONAL AID
33 SHALL EQUAL THE PRODUCT OF (I) THE BUILDING AID RATIO COMPUTED
FOR USE
34 IN THE CURRENT YEAR PURSUANT TO PARAGRAPH C OF SUBDIVISION SIX OF
THIS
35 SECTION PLUS TEN PERCENTAGE POINTS, EXCEPT THAT IN NO CASE
SHALL THIS
36 AMOUNT EXCEED ONE HUNDRED PERCENT, AND (II) THE ACTUAL APPROVED
EXPENDI-
37 TURES INCURRED IN THE BASE YEAR PURSUANT TO THIS SUBDIVISION,
PROVIDED
38 THAT THE LIMITATIONS ON COST ALLOWANCES PRESCRIBED BY
PARAGRAPH A OF
39 SUBDIVISION SIX OF THIS SECTION SHALL NOT APPLY, AND PROVIDED
FURTHER

40 THAT ANY PROJECTS AIDED UNDER THIS PARAGRAPH MUST BE
INCLUDED IN A
41 DISTRICT'S SCHOOL SAFETY PLAN. THE COMMISSIONER SHALL ANNUALLY
PRESCRIBE
42 A SPECIAL COST ALLOWANCE FOR METAL DETECTORS, AND SECURITY
CAMERAS, AND
43 THE APPROVED EXPENDITURES SHALL NOT EXCEED SUCH COST ALLOWANCE.
44 S 57. Severability. If any clause, sentence, paragraph,
section or
45 part of this act shall be adjudged by any court of competent
jurisdic-
46 tion to be invalid and after exhaustion of all further judicial
review,
47 the judgment shall not affect, impair or invalidate the remainder
there-
48 of, but shall be confined in its operation to the clause,
sentence,
49 paragraph, section or part of this act directly involved in the
contro-
50 versy in which the judgment shall have been rendered.
51 S 58. This act shall take effect immediately; provided, however,
that:
52 a. Sections one, two, three, four, five, six, seven, eight,
nine, ten,
53 eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen,
eigh-
54 teen, nineteen, twenty, twenty-one, twenty-two, twenty-three,
twenty-
55 four, twenty-five, twenty-six, twenty-six-a, twenty-seven, twenty-
eight,
56 twenty-nine, thirty, thirty-one, thirty-two, thirty-three,
thirty-four,
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1 thirty-five, thirty-six, thirty-nine, forty, forty-one, forty-
one-a,
2 forty-one-b, forty-two, forty-three, forty-five, forty-six, forty-
six-a,
3 forty-seven, fifty-one, fifty-two, fifty-three, fifty-four,
fifty-five,
4 and fifty-six of this act shall take effect on the sixtieth day
after it
5 shall have become a law;
6 b. The amendments to subdivision 23 of section 265.00 of the
penal law
7 made by section thirty-eight of this act shall take effect on the
nine-
8 tieth day after this act shall have become a law, except that the
amend-
9 ments made to paragraph (a) of subdivision 23 shall take effect
imme-
10 diately;
11 c. The amendments to subdivision 1, paragraph (a) of
subdivision 3,
12 and subdivisions 4, 9, 10, 11, 12, 15, and 16-b of section 400.00
of the

13 penal law made by section forty-eight of this act shall take
effect one
14 year after this act shall have become a law;
15 d. The amendments to subdivision 16-a of section 400.00 of the
penal
16 law made by section forty-eight of this act shall take effect
on the
17 ninetieth day after this act shall have become a law;
18 e. The amendments to sections 400.02 and 400.03 of the penal
law made
19 by sections forty-nine and fifty of this act shall take effect one
year
20 after it shall have become a law; and
21 f. The amendments to subdivision (b) of section 9.47 and
sections 9.48
22 and 9.60 of the mental hygiene law made by sections twenty-one,
twenty-
23 two and twenty-three of this act shall not affect the
expiration and
24 repeal of such paragraph and sections and shall be deemed repealed
ther-
25 ewith.