

INTRO 6-6

ECLEG MAR23'10 AM10:15

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS FUDOLI, DIXON, MILLS, RATH and WALTER**

Re: Opposing New York State Assembly Bills A. 1093A, A. 1275, A. 2884, S. 1715A and S. 1712, Which Infringe Upon New York State Residents' Right to Bear Arms

WHEREAS, the Second Amendment to the Constitution of the United States clearly states that "the right of the people to keep and bear Arms, shall not be infringed;" and

WHEREAS, Article XII of the Constitution of the State of New York clearly states, "The defense and protection of the state and of the United States is an obligation of all persons within the state;" and

WHEREAS, Assembly Bill A. 1093A and Senate Bill S. 1715A create undue burdens on civilians renewing and applying for licenses and imposes extreme financial obligations on merchants who legally sell firearms; and

WHEREAS, Assembly Bills A.1275 and A. 2884, and Senate Bill S. 1712 unfairly make the otherwise legal sale of firearms a misdemeanor if the sales venue is located on public property; and

WHEREAS, the County of Erie is home to a thriving sporting industry, as evidenced by the presence of the Alden Rod & Gun Club, Allied Sportsmen of WNY, Bassmasters, Bison City Rod & Gun Club, Blasdell Rod & Gun Club, Boston Valley Conservation Society, Bow, Rod & Gun Conservation Club, Buffalo Bowhunter's, Buffalo Rod & Gun Club, Collin's Conservation Club, Crow's Nest Fishing Club, Deer Search, Inc., Depew Rod & Gun Club, East Aurora Fish & Game Club, Inc., Eastern Lake Erie Charter Boat Association, Eden-North Collin's Gun Club, Elks Head Hunting & Fishing Club, Elma Conservation Club, Inc., Erie County Bassmaster's, Erie County Conservation Society, Erie County Trapper's, Erie Fish & Game Protective Association, Evan's Rod & Gun Club, Finger Lakes & WNY Waterfowl Association, Friends & Neighbors Rod & Gun Club, George Washington Fishing & Camping Club, Inc., Glen Coe Conservation Club, Hamburg Rod & Gun Club, Inc., Hawkeye Bowmen, Inc., Holland Rod & Gun Club, Inc., Horn & Fin Sportsmen, Lackawanna Conservation Club, Lake Shore Fire Co. Exempt's Sportsmen's Club, Leo's Archery, Mark IV Fishing & Hunting Club, Millgrove Sportsmen's Club, Mohawk Rifle & Pistol Club, Inc., Niagara Musky Association, Inc., Niagara River Angler's Association, Niagara River Station Fishing Club, NWTF-Niagara Chapter, New York Bowhunters, Inc., NY Walleye Association, Pheasant's Forever of WNY, Safari Club International, Inc., SCOPE - WNY Chapter, Simon Girty Long Rifles, Southtowns Walleye Association of W.N.Y. Inc., Springville Field & Stream, Trailblazer's R & D Club, West Falls Conservation Society, Inc., Winchester Rifle & Gun Club, Wincrest Sportsmen Association, WNY Bassmasters, WNY Sportsmen's Association, WNY Trout Unlimited, Wood & Brook Sportsman's Club, Inc, among others; and

WHEREAS, it is the right of the citizens of Erie County to take measures necessary to be secure in their homes against criminals and other dangerous trespassers, which may include the use of a firearm for protection.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby oppose the enactment of any legislation by the New York State Legislature that fundamentally alters or abridges the right to keep and bear arms; and be it further

RESOLVED, that the Erie County Legislature calls upon our elected representatives in New York State government to reject Assembly Bills 1093A, 1275 and 2884, and Senate Bills S.1715A and S. 1712; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader Pedro Espada, Jr. and the local delegation to the New York State Legislature.

FICAL IMPACT: None.



Tuesday, March 23, 2010

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

Bill No.:



Summary Actions Votes Memo
 Text

A. 1093 Text:

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

1093--A

Cal. No. 98

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PAULIN, RAMOS, LIFTON, ENGLEBRIGHT, KAVANAGH, ROSENTHAL, WRIGHT, SCHIMEL, PHEFFER, LANCMAN -- Multi-Sponsored by -- M. of A. BING, BOYLAND, CARROZZA, GOTTFRIED, HOOPER, MAGNARELLI, TOWNS, WEINSTEIN -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the general business law and the penal law, in relation to preventing the sale of firearms, rifles, and shotguns to criminals

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Legislative findings and declaration. The legislature here-
- 2 by finds and declares as follows:
- 3 1. Firearms, rifles and shotguns are used to kill nearly 30,000 indi-
- 4 viduals in the United States every year, including 1,000 individuals in
- 5 New York state alone. Additionally, there are 100,000 non-fatal injuries
- 6 across the country. The federal government has largely ignored this
- 7 public health crisis and has left it up to state and local governments
- 8 to protect its citizens. Firearm violence also costs millions of dollars
- 9 and causes incalculable emotional damage, devastating families and
- 10 communities throughout the country. Therefore, the state of New York
- 11 has a strong interest in reducing violence and crimes that involve the
- 12 use of firearms and the illegal trafficking of firearms. Illegal guns
- 13 obtained throughout the state end up in the hands of criminals, youth

14 and violent individuals who use them to threaten, maim and kill.
15 2. There is a thriving underground market for illegal firearms, large-
16 ly driven by demand from drug gangs and other criminals. A highly effi-
17 cient and continuous business practice exists in which firearms are
18 moved from legal manufacture and sale to prohibited purchasers, making
19 them illegal firearms. In 2001, approximately 12,000 illegal firearms,

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

LBD01930-02-0

A. 1093--A

2

1 rifles and shotguns were seized in New York state. From November 2000
2 to April 2002, 2700 crime guns were entered into the state crime gun
3 database. In 2008, according to a review by the federal bureau of alco-
4 hol, tobacco, firearms, and explosives (ATF) of trace data compiled for
5 several regions in the state, including Albany, Buffalo, Rochester,
6 Syracuse, Long Island and New York City that calendar year, 9,558
7 firearms were submitted to be traced, 2,659 of which were long guns.
8 Outside New York City, long guns are sold without a permit. Forty-six
9 percent of the firearms recovered in 2008 were found outside New York
10 City. A significant portion of guns involved in crimes upstate origi-
11 nate within the state. In fact, youth data reveals that in 2000, 40% of
12 the crime guns in Buffalo originated within a five-mile radius of that
13 city.

14 3. A substantial portion of illegal firearms are diverted to the ille-
15 gal market through licensed gun dealers. Rogue gun dealers play a key
16 role in this market. These rogue dealers funnel guns to the illegal
17 market through a variety of channels. One of the most common means is to
18 allow "straw purchases". A straw purchase occurs when a person purchases
19 a gun on behalf of a prohibited person. The ATF conducted an investi-
20 gation of gun trafficking from July 1996 to December 1998 and found that
21 almost 26,000 trafficked firearms were associated with investigations in
22 which there was a straw purchaser. Almost 50% of all trafficking inves-
23 tigation involved straw purchasers, with an average of 37 firearms
24 trafficked per investigation. Another issue, according to a 2008 report
25 by Mayors Against Illegal Guns, *Inside Straw Purchasing: How Criminals*
26 *Get Guns Illegally*, is that many traffickers return to the same store
27 again and again once they have identified it as one in which they can
28 make straw purchases easily. Although most gun dealers operate their
29 businesses legally and responsibly, some gun dealers who are corrupt or
30 maintain shoddy recordkeeping practices flood the streets with illegal
31 weapons as a result of their unrestricted access to new gun inventory
32 and the unwillingness of gun manufacturers to terminate their supply to
33 these rogue dealers. Current federal and state regulation has not curbed
34 the business practice of illegal gun dealers. According to a 2004 study
35 by Americans for Gun Safety, of the 120 worst gun dealers in the coun-
36 try, namely those dealers with an average of 500 crime guns traced to
37 them, 96 were still in operation.

38 4. Moreover, this problem is not limited to unlicensed sellers, and
39 clearly includes federal firearms licensees (FFLs). Indeed, although
40 FFLs were involved in under 10% of the trafficking investigations under-
41 taken by ATF, they were associated with the largest number of diverted
42 firearms--over 40,000 guns, which is nearly half of the total number of
43 trafficked firearms documented during the two-year period of ATF's
44 investigation. Additionally, a 2008 report by Mayors Against Illegal
45 Guns indicated that several states which allow state authorities to
46 supplement the federal ATF inspections with routine inspections provide
47 law enforcement with more opportunities to uncover dealers in violation

48 of the law. These inspections also help identify dealers who exercise
 49 lax oversight over their inventory and may lead to improved compliance
 50 with federal, state and local laws.

51 5. Current New York state laws governing firearm dealers are inade-
 52 quate to prevent the diversion of firearms to the illegal marketplace.
 53 Additional protections that are needed include, but are not limited to,
 54 better gun dealer internal compliance procedures, programs to eliminate
 55 straw purchases, increased liability insurance, improved security meas-
 56 ures, reducing youth access, mandatory training for gun dealer employ-
 A. 1093--A 3

1 ees, and improved recordkeeping requirements. The additional protections
 2 set forth in this act will greatly enhance the state's efforts to reduce
 3 criminal activity in the state.

4 S 2. Article 40 and sections 900 and 901 of the general business law,
 5 as renumbered by chapter 407 of the laws of 1973, are renumbered article
 6 50 and sections 1001 and 1002 and a new article 40 is added to read as
 7 follows:

8 ARTICLE 40

9 PREVENTING THE SALE OF FIREARMS,
 10 RIFLES, AND SHOTGUNS TO CRIMINALS

11 SECTION 900. DEFINITIONS.

12 901. REASONABLE MEASURES TO PREVENT SALES AND
 13 TRANSFERS TO CRIMINALS.

14 902. SECURITY.

15 903. ACCESS TO FIREARMS, RIFLES, AND SHOTGUNS.

16 904. LOCATION OF FIREARM, RIFLE, AND SHOTGUN SALES.

17 905. EMPLOYEE TRAINING.

18 906. RETAIL SALES OF FIREARMS, RIFLES, AND SHOTGUNS.

19 907. MAINTENANCE OF RECORDS.

20 908. COOPERATION WITH LAW ENFORCEMENT.

21 909. INTERNAL COMPLIANCE AND CERTIFICATION.

22 910. RULES AND REGULATIONS.

23 911. VIOLATIONS.

24 S 900. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE:

25 1. "DEALER" MEANS ANY PERSON, FIRM, PARTNERSHIP, CORPORATION, OR
 26 COMPANY WHO ENGAGES IN THE BUSINESS OF PURCHASING, SELLING, KEEPING FOR
 27 SALE, LENDING, LEASING, OR IN ANY MANNER DISPOSING OF, ANY FIREARM,
 28 RIFLE, OR SHOTGUN.

29 2. "DISPOSE OF" MEANS TO DISPOSE OF, GIVE, GIVE AWAY, LEASE, LEND,
 30 KEEP FOR SALE, OFFER, OFFER FOR SALE, SELL, TRANSFER, OR OTHERWISE
 31 DISPOSE OF.

32 3. "FIREARM" HAS THE SAME MEANING AS THAT TERM IS DEFINED IN SUBDIVI-
 33 SION THREE OF SECTION 265.00 OF THE PENAL LAW.

34 4. "FIREARM EXHIBITOR" MEANS ANY PERSON, FIRM, PARTNERSHIP, CORPO-
 35 RATION, OR COMPANY THAT EXHIBITS, SELLS, OFFERS FOR SALE, TRANSFERS, OR
 36 EXCHANGES FIREARMS, RIFLES, OR SHOTGUNS AT A GUN SHOW.

37 5. "GUN SHOW" MEANS AN EVENT SPONSORED, WHETHER FOR PROFIT OR NOT, BY
 38 AN INDIVIDUAL, NATIONAL, STATE, OR LOCAL ORGANIZATION, ASSOCIATION, OR
 39 OTHER ENTITY DEVOTED TO THE COLLECTION, COMPETITIVE USE, SPORTING USE,
 40 OR ANY OTHER LEGAL USE OF FIREARMS, RIFLES, OR SHOTGUNS, OR AN EVENT AT
 41 WHICH: (A) TWENTY PERCENT OR MORE OF THE TOTAL NUMBER OF EXHIBITORS ARE
 42 FIREARM EXHIBITORS; (B) TEN OR MORE FIREARM EXHIBITORS ARE PARTICIPAT-
 43 ING; (C) A TOTAL OF TWENTY-FIVE OR MORE PISTOLS OR REVOLVERS ARE OFFERED
 44 FOR SALE OR TRANSFER; OR (D) A TOTAL OF FIFTY OR MORE FIREARMS, RIFLES,
 45 OR SHOTGUNS ARE OFFERED FOR SALE OR TRANSFER. THE TERM "GUN SHOW" SHALL
 46 INCLUDE ANY BUILDING, STRUCTURE, OR FACILITY WHERE FIREARMS, RIFLES, OR
 47 SHOTGUNS ARE OFFERED FOR SALE OR TRANSFER AND ANY GROUNDS USED IN
 48 CONNECTION WITH THE EVENT.

49 6. "RETAIL DEALER" MEANS ANY DEALER ENGAGED IN THE RETAIL BUSINESS OF
50 SELLING FIREARMS, RIFLES, OR SHOTGUNS.

51 7. "RIFLE" HAS THE SAME MEANING AS THAT TERM IS DEFINED IN SUBDIVISION
52 ELEVEN OF SECTION 265.00 OF THE PENAL LAW.

53 8. "SHOTGUN" HAS THE SAME MEANING AS THAT TERM IS DEFINED IN SUBDIVI-
54 SION TWELVE OF SECTION 265.00 OF THE PENAL LAW.

55 9. "STRAW PURCHASE" MEANS THE PURCHASE, OR ATTEMPT TO PURCHASE, BY A
56 PERSON OF A FIREARM, RIFLE, OR SHOTGUN FOR, ON BEHALF OF, OR FOR THE USE
A. 1093--A 4

1 OF ANOTHER PERSON, KNOWING THAT IT WOULD BE UNLAWFUL FOR SUCH OTHER
2 PERSON TO POSSESS SUCH FIREARM, RIFLE, OR SHOTGUN, OR AN ATTEMPT TO MAKE
3 SUCH A PURCHASE.

4 10. "STRAW PURCHASER" MEANS A PERSON WHO, KNOWING THAT IT WOULD BE
5 UNLAWFUL FOR ANOTHER PERSON TO POSSESS A FIREARM, RIFLE, OR SHOTGUN,
6 PURCHASES OR ATTEMPTS TO PURCHASE A FIREARM, RIFLE, OR SHOTGUN FOR, ON
7 BEHALF OF, OR FOR THE USE OF SUCH OTHER PERSON.

8 11. "SUPERINTENDENT" MEANS THE SUPERINTENDENT OF STATE POLICE.
9 S 901. REASONABLE MEASURES TO PREVENT SALES AND TRANSFERS TO CRIMI-
10 NALS. EVERY DEALER SHALL ADOPT REASONABLE MEASURES TO PREVENT FIREARMS,
11 RIFLES, AND SHOTGUNS FROM BEING DIVERTED FROM THE LEGAL STREAM OF
12 COMMERCE, INTENTIONALLY OR OTHERWISE, FOR LATER SALE, TRANSFER, OR
13 DISPOSAL TO INDIVIDUALS NOT LEGALLY ENTITLED TO PURCHASE OR POSSESS SUCH
14 WEAPONS. SUCH MEASURES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO,
15 PROGRAMS TO ELIMINATE SALES TO STRAW PURCHASERS AND TO OTHERWISE THWART
16 ILLEGAL GUN TRAFFICKING. THE SUPERINTENDENT SHALL DEVELOP PROGRAMS
17 DESIGNED TO ELIMINATE SALES TO STRAW PURCHASERS AND TO OTHERWISE THWART
18 ILLEGAL GUN TRAFFICKING. WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS
19 ARTICLE, THE SUPERINTENDENT SHALL SUBMIT A REPORT TO THE LEGISLATURE
20 DETAILING SUCH PROGRAMS, INCLUDING ESTABLISHING MINIMUM REQUIREMENTS FOR
21 SUCH PROGRAMS.

22 S 902. SECURITY. EVERY DEALER SHALL IMPLEMENT A SECURITY PLAN FOR
23 SECURING FIREARMS, RIFLES AND SHOTGUNS, INCLUDING FIREARMS, RIFLES AND
24 SHOTGUNS IN SHIPMENT. THE PLAN MUST SATISFY AT LEAST THE FOLLOWING
25 REQUIREMENTS:

26 1. DISPLAY CASES SHALL BE LOCKED AT ALL TIMES EXCEPT WHEN REMOVING A
27 SINGLE FIREARM, RIFLE OR SHOTGUN TO SHOW A CUSTOMER, AND CUSTOMERS SHALL
28 HANDLE FIREARMS, RIFLES OR SHOTGUNS ONLY UNDER THE DIRECT SUPERVISION OF
29 AN EMPLOYEE;

30 2. ALL FIREARMS, RIFLES AND SHOTGUNS SHALL BE SECURED, OTHER THAN
31 DURING BUSINESS HOURS, IN A LOCKED FIREPROOF SAFE OR VAULT IN THE
32 LICENSEE'S BUSINESS PREMISES OR IN A SIMILAR SECURED AND LOCKED AREA;
33 AND

34 3. AMMUNITION SHALL BE STORED SEPARATELY FROM THE FIREARMS, RIFLES AND
35 SHOTGUNS AND OUT OF REACH OF THE CUSTOMERS.

36 S 903. ACCESS TO FIREARMS, RIFLES, AND SHOTGUNS. EVERY RETAIL DEALER
37 SHALL EXCLUDE ALL PERSONS UNDER EIGHTEEN YEARS OF AGE FROM THOSE
38 PORTIONS OF ITS PREMISES WHERE FIREARMS, RIFLES, SHOTGUNS, OR AMMUNITION
39 ARE STOCKED OR SOLD, UNLESS SUCH PERSON IS ACCOMPANIED BY A PARENT OR
40 GUARDIAN.

41 S 904. LOCATION OF FIREARM, RIFLE, AND SHOTGUN SALES. EVERY DEALER
42 SHALL SELL OR OTHERWISE DISPOSE OF FIREARMS, RIFLES, AND SHOTGUNS ONLY
43 AT THE LOCATION LISTED ON THE DEALER'S FEDERAL FIREARMS LICENSE OR AT
44 GUN SHOWS.

45 S 905. EMPLOYEE TRAINING. EVERY RETAIL DEALER SHALL PROVIDE TRAINING
46 TO ALL EMPLOYEES AND OTHER PERSONNEL ENGAGED IN THE RETAIL SALE OF
47 FIREARMS, RIFLES, AND SHOTGUNS RELATING TO:

48 1. THE LAW GOVERNING FIREARM, RIFLE, AND SHOTGUN TRANSFERS BY FEDERAL
49 FIREARMS LICENSEES AND INDIVIDUALS;

50 2. HOW TO RECOGNIZE STRAW PURCHASES AND OTHER ATTEMPTS TO PURCHASE
51 FIREARMS, RIFLES, OR SHOTGUNS ILLEGALLY;

52 3. HOW TO TEACH CONSUMERS RULES OF GUN SAFETY, INCLUDING BUT NOT
53 LIMITED TO THE SAFE HANDLING AND STORAGE OF FIREARMS, RIFLES, AND SHOT-
54 GUNS; AND

55 4. HOW TO COMPLY WITH PROVISIONS OF SECTION NINE HUNDRED SIX OF THIS
56 ARTICLE.

A. 1093--A

5

1 NO EMPLOYEE OR AGENT OF ANY RETAIL DEALER SHALL PARTICIPATE IN THE
2 SALE OR DISPOSITION OF FIREARMS, RIFLES, OR SHOTGUNS UNLESS SUCH PERSON
3 IS AT LEAST TWENTY-ONE YEARS OF AGE AND HAS FIRST RECEIVED THE TRAINING
4 REQUIRED BY THIS SECTION. THE SUPERINTENDENT SHALL PROMULGATE REGU-
5 LATIONS SETTING FORTH MINIMUM REQUIREMENTS FOR THE MAINTENANCE OF
6 RECORDS OF SUCH TRAINING.

7 S 906. RETAIL SALES OF FIREARMS, RIFLES, AND SHOTGUNS. 1. NO RETAIL
8 DEALER SHALL SELL, DELIVER, LEASE, OR TRANSFER ANY FIREARM, RIFLE, OR
9 SHOTGUN TO ANY RETAIL CUSTOMER UNLESS SUCH RETAIL DEALER HAS: (A)
10 CONDUCTED THE REQUIRED NATIONAL INSTANT CRIMINAL BACKGROUND CHECK AND
11 COMPLIED WITH THE PROVISIONS OF 18 U.S.C. 922(T); (B) SHOWN THE TRANS-
12 FEREES HOW TO LOAD AND UNLOAD THE FIREARM, RIFLE, OR SHOTGUN, HOW TO
13 ENGAGE AND DISENGAGE ALL SAFETY DEVICES, AND HOW TO SAFELY STORE THE
14 WEAPON; (C) PROVIDED THE TRANSFEREE WITH A GUN LOCKING DEVICE AS
15 REQUIRED BY SECTION THREE HUNDRED NINETY-SIX-EE OF THIS CHAPTER; (D)
16 PROVIDED THE TRANSFEREE WITH A COPY OF THE SAFE STORAGE WARNING NOTICE
17 SET FORTH IN SUBDIVISION TWO OF THIS SECTION AND A COPY OF THE FEDERAL
18 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES DISPOSITION OF
19 FIREARMS NOTICE; (E) OBTAINED THE TRANSFEREE'S SIGNATURE ON A FORM
20 PROMULGATED BY THE SUPERINTENDENT CERTIFYING THAT THE TRANSFEREE HAS
21 RECEIVED THE INSTRUCTION AND NOTICE REQUIRED BY THIS SECTION; AND (F)
22 PROVIDED THE TRANSFEREE WITH A WRITTEN RECORD OF THE MAKE, MODEL, CALI-
23 BER OR GAUGE, AND SERIAL NUMBER OF EACH FIREARM, RIFLE, OR SHOTGUN
24 TRANSFERRED TO ENABLE THE TRANSFEREE TO ACCURATELY DESCRIBE THE WEAPON
25 TO LAW ENFORCEMENT IN THE EVENT THAT IT IS SUBSEQUENTLY LOST OR STOLEN.

26 2. NO RETAIL DEALER SHALL SELL, DELIVER, LEASE, OR TRANSFER ANY
27 FIREARM, RIFLE, OR SHOTGUN TO ANY PERSON UNLESS AT THE TIME OF SALE,
28 DELIVERY, LEASE, OR TRANSFER SUCH FIREARM, RIFLE, OR SHOTGUN IS ACCOMPAN-
29 NIED BY THE FOLLOWING WARNING, WHICH SHALL APPEAR IN CONSPICUOUS AND
30 LEGIBLE TYPE IN CAPITAL LETTERS, AND WHICH SHALL BE PRINTED ON A LABEL
31 AFFIXED TO SUCH FIREARM, RIFLE, OR SHOTGUN AND PLACED IN THE CONTAINER
32 IN WHICH SUCH FIREARM, RIFLE, OR SHOTGUN IS SOLD, DELIVERED, LEASED OR
33 TRANSFERRED: "THE USE OF A LOCKING DEVICE OR SAFETY LOCK IS ONLY ONE
34 ASPECT OF RESPONSIBLE FIREARM STORAGE. FIREARMS SHOULD BE STORED AND
35 LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR AMMUNITION AND
36 INACCESSIBLE TO CHILDREN AND OTHER UNAUTHORIZED PERSONS. MORE THAN
37 200,000 FIREARMS LIKE THIS ONE ARE STOLEN FROM THEIR OWNERS EVERY YEAR
38 IN THE UNITED STATES. IN ADDITION, THERE ARE MORE THAN A THOUSAND
39 SUICIDES EACH YEAR BY YOUNGER CHILDREN AND TEENAGERS WHO GET ACCESS TO
40 FIREARMS. HUNDREDS MORE DIE FROM ACCIDENTAL DISCHARGE. IT IS LIKELY THAT
41 MANY MORE CHILDREN SUSTAIN SERIOUS WOUNDS, OR INFLECT SUCH WOUNDS ACCI-
42 DENTALLY ON OTHERS. IN ORDER TO LIMIT THE CHANCE OF SUCH MISUSE, IT IS
43 IMPERATIVE THAT YOU KEEP THIS WEAPON LOCKED IN A SECURE PLACE AND TAKE
44 OTHER STEPS NECESSARY TO LIMIT THE POSSIBILITY OF THEFT OR ACCIDENT.
45 FAILURE TO TAKE REASONABLE PREVENTIVE STEPS MAY RESULT IN INNOCENT LIVES
46 BEING LOST, AND IN SOME CIRCUMSTANCES MAY RESULT IN YOUR LIABILITY."

47 S 907. MAINTENANCE OF RECORDS. EVERY DEALER SHALL ESTABLISH AND MAIN-
48 TAIN SUCH PURCHASE, SALE, INVENTORY, AND OTHER RECORDS AT THE DEALER'S
49 PLACE OF BUSINESS IN SUCH FORM AND FOR SUCH PERIOD AS THE SUPERINTENDENT
50 SHALL REQUIRE, AND SHALL AT A MINIMUM INCLUDE THE FOLLOWING:

51 1. EVERY DEALER SHALL RECORD THE MAKE, MODEL, CALIBER OR GAUGE, AND
 52 SERIAL NUMBER OF ALL FIREARMS, RIFLES, AND SHOTGUNS THAT ARE ACQUIRED OR
 53 DISPOSED OF NOT LATER THAN ONE BUSINESS DAY AFTER THEIR ACQUISITION OR
 54 DISPOSITION. MONTHLY BACKUPS OF THESE RECORDS SHALL BE MAINTAINED IN A
 55 SECURE CONTAINER DESIGNED TO PREVENT LOSS BY FIRE, THEFT, OR OTHER
 56 MISHAP;

A. 1093--A

6

1 2. ALL FIREARMS, RIFLES, AND SHOTGUNS ACQUIRED BUT NOT YET DISPOSED OF
 2 MUST BE ACCOUNTED FOR THROUGH AN INVENTORY CHECK PREPARED ONCE EACH
 3 MONTH AND MAINTAINED IN A SECURE LOCATION;

4 3. FIREARM, RIFLE, AND SHOTGUN SALES INFORMATION, INCLUDING THE SERIAL
 5 NUMBERS OF FIREARMS, RIFLES, AND SHOTGUNS SOLD, DATES OF SALE, AND IDEN-
 6 TITY OF PURCHASERS, SHALL BE MAINTAINED AND MADE AVAILABLE TO GOVERNMENT
 7 LAW ENFORCEMENT AGENCIES AND TO THE MANUFACTURER OF THE WEAPON OR ITS
 8 DESIGNEE; AND

9 4. EVERY DEALER SHALL MAINTAIN RECORDS OF CRIMINAL FIREARM, RIFLE, AND
 10 SHOTGUN TRACES INITIATED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO,
 11 FIREARMS AND EXPLOSIVES ("ATF"). ALL ATF FORM 4473 TRANSACTION RECORDS
 12 SHALL BE RETAINED ON THE DEALER'S BUSINESS PREMISES IN A SECURE CONTAIN-
 13 ER DESIGNED TO PREVENT LOSS BY FIRE, THEFT, OR OTHER MISHAP.

14 S 908. COOPERATION WITH LAW ENFORCEMENT. EVERY DEALER SHALL:

15 1. PROVIDE GOVERNMENT LAW ENFORCEMENT AGENCIES WITH FULL ACCESS TO ANY
 16 DOCUMENTS RELATED TO THE ACQUISITION AND DISPOSITION OF FIREARMS OR
 17 EMPLOYEE TRAINING DEEMED NECESSARY BY SUCH AGENCY;

18 2. PARTICIPATE IN AND COMPLY WITH ALL MONITORING OF FIREARM, RIFLE,
 19 AND SHOTGUN DISTRIBUTION BY MANUFACTURERS OR GOVERNMENT LAW ENFORCEMENT
 20 AGENCIES;

21 3. REPORT ALL ATF TRACE REQUESTS BY MAKE, MODEL, AND SERIAL NUMBER OF
 22 FIREARM, DATE OF TRACE, AND DATE OF SALE TO THE MANUFACTURER OF THE
 23 FIREARM, RIFLE, OR SHOTGUN ON A MONTHLY BASIS, UNLESS ATF DIRECTS THE
 24 LICENSEE NOT TO REPORT CERTAIN TRACES, AND ALSO REPORT SUCH TRACES TO
 25 THE SUPERINTENDENT FOR USE IN CONJUNCTION WITH THE CRIMINAL GUN CLEAR-
 26 INGHOUSE ESTABLISHED PURSUANT TO SECTION TWO HUNDRED THIRTY OF THE EXEC-
 27 UTIVE LAW;

28 4. ANALYZE ALL ATF TRACE REQUESTS TO DETERMINE WHETHER THERE IS A
 29 PATTERN OF FIREARMS, RIFLES, OR SHOTGUNS SOLD BY THE DEALER BEING USED
 30 FOR CRIMINAL PURPOSES, AND, IF SUCH PATTERN EXISTS, TAKE CORRECTIVE
 31 ACTION AND REPORT SUCH FINDINGS AND SUCH CORRECTIVE ACTION TO THE SUPER-
 32 INTENDENT; AND

33 5. REPORT ANY FIREARM, RIFLE, OR SHOTGUN SALES THAT APPEAR TO BE STRAW
 34 PURCHASES OR OTHERWISE CREATE A REASONABLE SUSPICION THAT THE FIREARM,
 35 RIFLE, OR SHOTGUN MAY BE DIVERTED FROM THE LEGAL STREAM OF COMMERCE.

36 S 909. INTERNAL COMPLIANCE AND CERTIFICATION. 1. EVERY DEALER SHALL:

37 (A) IMPLEMENT AND MAINTAIN SUFFICIENT INTERNAL COMPLIANCE PROCEDURES
 38 TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE AND ALL
 39 APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS GOVERNING THE
 40 SALE, TRANSFER, AND DISPOSAL OF FIREARMS, RIFLES, AND SHOTGUNS; AND

41 (B) ANNUALLY CERTIFY TO THE SUPERINTENDENT THAT SUCH DEALER HAS
 42 COMPLIED WITH ALL OF THE REQUIREMENTS OF THIS ARTICLE. THE SUPERINTEN-
 43 DENT SHALL BY REGULATION DETERMINE THE FORM AND CONTENT OF SUCH ANNUAL
 44 CERTIFICATION.

45 2. THE SUPERINTENDENT OF STATE POLICE SHALL PROMULGATE REGULATIONS
 46 ESTABLISHING PERIODIC INSPECTIONS, DURING REGULAR AND USUAL BUSINESS
 47 HOURS, BY THE DIVISION OF STATE POLICE OF THE PREMISES OF EVERY DEALER
 48 TO DETERMINE COMPLIANCE BY SUCH DEALER WITH THE REQUIREMENTS OF THIS
 49 ARTICLE. EVERY DEALER SHALL PROVIDE THE DIVISION OF STATE POLICE WITH
 50 FULL ACCESS TO SUCH DEALER'S PREMISES FOR SUCH INSPECTIONS.

51 S 910. RULES AND REGULATIONS. THE SUPERINTENDENT MAY PROMULGATE SUCH

52 ADDITIONAL RULES AND REGULATIONS AS THE SUPERINTENDENT SHALL DEEM NECES-
53 SARY TO PREVENT FIREARMS, RIFLES, AND SHOTGUNS FROM BEING DIVERTED FROM
54 THE LEGAL STREAM OF COMMERCE.

55 S 911. VIOLATIONS. ANY PERSON, FIRM, OR CORPORATION WHO KNOWINGLY
56 VIOLATES ANY PROVISION OF THIS ARTICLE SHALL BE GUILTY OF A CLASS A
A. 1093--A

7

1 MISDEMEANOR PUNISHABLE AS PROVIDED FOR IN THE PENAL LAW, AND SHALL BE
2 GUILTY OF A CLASS E FELONY FOR A SECOND VIOLATION OCCURRING WITHIN FIVE
3 YEARS OF A PRIOR CONVICTION FOR A VIOLATION OF ANY PROVISION OF THIS
4 ARTICLE.

5 S 3. Subdivision 1 of section 396-ee of the general business law, as
6 added by chapter 189 of the laws of 2000, is amended to read as follows:

7 (1) No person, firm or corporation engaged in the retail business of
8 selling rifles, shotguns or firearms, as such terms are defined in
9 section 265.00 of the penal law, shall sell, deliver or transfer any
10 such rifle, shotgun or firearm to another person unless the transferee
11 is provided at the time of sale, delivery or transfer with a gun locking
12 device and a label containing the quoted language specified in subdivi-
13 sion two of [this] section [is either] NINE HUNDRED SIX OF THIS CHAPTER,
14 WHICH SHALL APPEAR IN CONSPICUOUS AND LEGIBLE TYPE IN CAPITAL LETTERS,
15 AND SHALL BE affixed to such rifle, shotgun or firearm [or] AND placed
16 in the container in which such rifle, shotgun or firearm is sold, deliv-
17 ered or transferred. For the purposes of this section, the term "gun
18 locking device" shall mean an integrated design feature or an attachable
19 accessory that is resistant to tampering and is effective in preventing
20 the discharge of such rifle, shotgun or firearm by a person who does not
21 have access to the key, combination or other mechanism used to disengage
22 the device. The division of state police shall develop and promulgate
23 rules and regulations setting forth the specific devices or the minimum
24 standards and criteria therefor which constitute an effective gun lock-
25 ing device.

26 S 4. Subdivision 1 of section 400.00 of the penal law, as amended by
27 chapter 189 of the laws of 2000, is amended to read as follows:

28 1. Eligibility. No license shall be issued or renewed pursuant to this
29 section except by the licensing officer, and then only after investi-
30 gation and finding that all statements in a proper application for a
31 license are true. No license shall be issued or renewed except for an
32 applicant (a) twenty-one years of age or older, provided, however, that
33 where such applicant has been honorably discharged from the United
34 States army, navy, marine corps, air force or coast guard, or the
35 national guard of the state of New York, no such age restriction shall
36 apply; (b) of good moral character; (c) who has not been convicted
37 anywhere of a felony or a serious offense; (d) who has stated whether he
38 or she has ever suffered any mental illness or been confined to any
39 hospital or institution, public or private, for mental illness; (e) who
40 has not had a license revoked or who is not under a suspension or inel-
41 igibility order issued pursuant to the provisions of section 530.14 of
42 the criminal procedure law or section eight hundred forty-two-a of the
43 family court act; (f) in the county of Westchester, who has successfully
44 completed a firearms safety course and test as evidenced by a certifi-
45 cate of completion issued in his or her name and endorsed and affirmed
46 under the penalties of perjury by a duly authorized instructor, except
47 that: (i) persons who are honorably discharged from the United States
48 army, navy, marine corps or coast guard, or of the national guard of the
49 state of New York, and produce evidence of official qualification in
50 firearms during the term of service are not required to have completed
51 those hours of a firearms safety course pertaining to the safe use,
52 carrying, possession, maintenance and storage of a firearm; and (ii)



Tuesday, March 23, 2010

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

Bill No.: S. 1715



Summary Actions Votes Memo
 Text

S. 1715 Text:

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

1715--A

2009-2010 Regular Sessions

I N S E N A T E

February 5, 2009

Introduced by Sens. SCHNEIDERMAN, ADAMS, DIAZ, DUANE, FOLEY, KRUEGER, PARKER, PERKINS, SAMPSON, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law and the penal law, in relation to preventing the sale of firearms, rifles, and shotguns to criminals

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Legislative findings and declaration. The legislature here-
 2 by finds and declares as follows:
 3 1. Firearms, rifles and shotguns are used to kill nearly 30,000 indi-
 4 viduals in the United States every year, including 1,000 individuals in
 5 New York state alone. Additionally, there are 100,000 non-fatal injuries
 6 across the country. The federal government has largely ignored this
 7 public health crisis and has left it up to state and local governments
 8 to protect its citizens. Firearm violence also costs millions of dollars
 9 and causes incalculable emotional damage, devastating families and
 10 communities throughout the country. Therefore, the state of New York
 11 has a strong interest in reducing violence and crimes that involve the
 12 use of firearms and the illegal trafficking of firearms. Illegal guns
 13 obtained throughout the state end up in the hands of criminals, youth
 14 and violent individuals who use them to threaten, maim and kill.
 15 2. There is a thriving underground market for illegal firearms, large-
 16 ly driven by demand from drug gangs and other criminals. A highly effi-
 17 cient and continuous business practice exists in which firearms are

18 moved from legal manufacture and sale to prohibited purchasers, making
19 them illegal firearms. In 2001, approximately 12,000 illegal firearms,
20 rifles and shotguns were seized in New York state. From November 2000
21 to April 2002, 2700 crime guns were entered into the state crime gun

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

LBD01930-03-0

S. 1715--A

2

1 database. In 2008, according to a review by the federal bureau of alco-
2 hol, tobacco, firearms, and explosives (ATF) of trace data compiled for
3 several regions in the state, including Albany, Buffalo, Rochester,
4 Syracuse, Long Island and New York City that calendar year, 9,558
5 firearms were submitted to be traced, 2,659 of which were long guns.
6 Outside New York City, long guns are sold without a permit. Forty-six
7 percent of the firearms recovered in 2008 were found outside New York
8 City. A significant portion of guns involved in crimes upstate origi-
9 nate within the state. In fact, youth data reveals that in 2000, 40% of
10 the crime guns in Buffalo originated within a five-mile radius of that
11 city.

12 3. A substantial portion of illegal firearms are diverted to the ille-
13 gal market through licensed gun dealers. Rogue gun dealers play a key
14 role in this market. These rogue dealers funnel guns to the illegal
15 market through a variety of channels. One of the most common means is to
16 allow "straw purchases". A straw purchase occurs when a person purchases
17 a gun on behalf of a prohibited person. The ATF conducted an investi-
18 gation of gun trafficking from July 1996 to December 1998 and found that
19 almost 26,000 trafficked firearms were associated with investigations in
20 which there was a straw purchaser. Almost 50% of all trafficking inves-
21 tigation involved straw purchasers, with an average of 37 firearms
22 trafficked per investigation. Another issue, according to a 2008 report
23 by Mayors Against Illegal Guns, Inside Straw Purchasing: How Criminals
24 Get Guns Illegally, is that many traffickers return to the same store
25 again and again once they have identified it as one in which they can
26 make straw purchases easily. Although most gun dealers operate their
27 businesses legally and responsibly, some gun dealers who are corrupt or
28 maintain shoddy recordkeeping practices flood the streets with illegal
29 weapons as a result of their unrestricted access to new gun inventory
30 and the unwillingness of gun manufacturers to terminate their supply to
31 these rogue dealers. Current federal and state regulation has not curbed
32 the business practice of illegal gun dealers. According to a 2004 study
33 by Americans for Gun Safety, of the 120 worst gun dealers in the coun-
34 try, namely those dealers with an average of 500 crime guns traced to
35 them, 96 were still in operation.

36 4. Moreover, this problem is not limited to unlicensed sellers, and
37 clearly includes federal firearms licensees (FFLs). Indeed, although
38 FFLs were involved in under 10% of the trafficking investigations under-
39 taken by ATF, they were associated with the largest number of diverted
40 firearms--over 40,000 guns, which is nearly half of the total number of
41 trafficked firearms documented during the two-year period of ATF's
42 investigation. Additionally, a 2008 report by Mayors Against Illegal
43 Guns indicated that several states which allow state authorities to
44 supplement the federal ATF inspections with routine inspections provide
45 law enforcement with more opportunities to uncover dealers in violation
46 of the law. These inspections also help identify dealers who exercise
47 lax oversight over their inventory and may lead to improved compliance
48 with federal, state and local laws.

49 5. Current New York state laws governing firearm dealers are inade-

52 8. "SHOTGUN" HAS THE SAME MEANING AS THAT TERM IS DEFINED IN SUBDIVI-
53 SION TWELVE OF SECTION 265.00 OF THE PENAL LAW.

54 9. "STRAW PURCHASE" MEANS THE PURCHASE, OR ATTEMPT TO PURCHASE, BY A
55 PERSON OF A FIREARM, RIFLE, OR SHOTGUN FOR, ON BEHALF OF, OR FOR THE USE
56 OF ANOTHER PERSON, KNOWING THAT IT WOULD BE UNLAWFUL FOR SUCH OTHER
S. 1715--A

4

1 PERSON TO POSSESS SUCH FIREARM, RIFLE, OR SHOTGUN, OR AN ATTEMPT TO MAKE
2 SUCH A PURCHASE.

3 10. "STRAW PURCHASER" MEANS A PERSON WHO, KNOWING THAT IT WOULD BE
4 UNLAWFUL FOR ANOTHER PERSON TO POSSESS A FIREARM, RIFLE, OR SHOTGUN,
5 PURCHASES OR ATTEMPTS TO PURCHASE A FIREARM, RIFLE, OR SHOTGUN FOR, ON
6 BEHALF OF, OR FOR THE USE OF SUCH OTHER PERSON.

7 11. "SUPERINTENDENT" MEANS THE SUPERINTENDENT OF STATE POLICE.

8 S 901. REASONABLE MEASURES TO PREVENT SALES AND TRANSFERS TO CRIMI-
9 NALS. EVERY DEALER SHALL ADOPT REASONABLE MEASURES TO PREVENT FIREARMS,
10 RIFLES, AND SHOTGUNS FROM BEING DIVERTED FROM THE LEGAL STREAM OF
11 COMMERCE, INTENTIONALLY OR OTHERWISE, FOR LATER SALE, TRANSFER, OR
12 DISPOSAL TO INDIVIDUALS NOT LEGALLY ENTITLED TO PURCHASE OR POSSESS SUCH
13 WEAPONS. SUCH MEASURES SHALL INCLUDE, BUT NEED NOT BE LIMITED TO,
14 PROGRAMS TO ELIMINATE SALES TO STRAW PURCHASERS AND TO OTHERWISE THWART
15 ILLEGAL GUN TRAFFICKING. THE SUPERINTENDENT SHALL DEVELOP PROGRAMS
16 DESIGNED TO ELIMINATE SALES TO STRAW PURCHASERS AND TO OTHERWISE THWART
17 ILLEGAL GUN TRAFFICKING. WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS
18 ARTICLE, THE SUPERINTENDENT SHALL SUBMIT A REPORT TO THE LEGISLATURE
19 DETAILING SUCH PROGRAMS, INCLUDING ESTABLISHING MINIMUM REQUIREMENTS FOR
20 SUCH PROGRAMS.

21 S 902. SECURITY. EVERY DEALER SHALL IMPLEMENT A SECURITY PLAN FOR
22 SECURING FIREARMS, RIFLES AND SHOTGUNS, INCLUDING FIREARMS, RIFLES AND
23 SHOTGUNS IN SHIPMENT. THE PLAN MUST SATISFY AT LEAST THE FOLLOWING
24 REQUIREMENTS:

25 1. DISPLAY CASES SHALL BE LOCKED AT ALL TIMES EXCEPT WHEN REMOVING A
26 SINGLE FIREARM, RIFLE OR SHOTGUN TO SHOW A CUSTOMER, AND CUSTOMERS SHALL
27 HANDLE FIREARMS, RIFLES OR SHOTGUNS ONLY UNDER THE DIRECT SUPERVISION OF
28 AN EMPLOYEE;

29 2. ALL FIREARMS, RIFLES AND SHOTGUNS SHALL BE SECURED, OTHER THAN
30 DURING BUSINESS HOURS, IN A LOCKED FIREPROOF SAFE OR VAULT IN THE
31 LICENSEE'S BUSINESS PREMISES OR IN A SIMILAR SECURED AND LOCKED AREA;
32 AND

33 3. AMMUNITION SHALL BE STORED SEPARATELY FROM THE FIREARMS, RIFLES AND
34 SHOTGUNS AND OUT OF REACH OF THE CUSTOMERS.

35 S 903. ACCESS TO FIREARMS, RIFLES, AND SHOTGUNS. EVERY RETAIL DEALER
36 SHALL EXCLUDE ALL PERSONS UNDER EIGHTEEN YEARS OF AGE FROM THOSE
37 PORTIONS OF ITS PREMISES WHERE FIREARMS, RIFLES, SHOTGUNS, OR AMMUNITION
38 ARE STOCKED OR SOLD, UNLESS SUCH PERSON IS ACCOMPANIED BY A PARENT OR
39 GUARDIAN.

40 S 904. LOCATION OF FIREARM, RIFLE, AND SHOTGUN SALES. EVERY DEALER
41 SHALL SELL OR OTHERWISE DISPOSE OF FIREARMS, RIFLES, AND SHOTGUNS ONLY
42 AT THE LOCATION LISTED ON THE DEALER'S FEDERAL FIREARMS LICENSE OR AT
43 GUN SHOWS.

44 S 905. EMPLOYEE TRAINING. EVERY RETAIL DEALER SHALL PROVIDE TRAINING
45 TO ALL EMPLOYEES AND OTHER PERSONNEL ENGAGED IN THE RETAIL SALE OF
46 FIREARMS, RIFLES, AND SHOTGUNS RELATING TO:

47 1. THE LAW GOVERNING FIREARM, RIFLE, AND SHOTGUN TRANSFERS BY FEDERAL
48 FIREARMS LICENSEES AND INDIVIDUALS;

49 2. HOW TO RECOGNIZE STRAW PURCHASES AND OTHER ATTEMPTS TO PURCHASE
50 FIREARMS, RIFLES, OR SHOTGUNS ILLEGALLY;

51 3. HOW TO TEACH CONSUMERS RULES OF GUN SAFETY, INCLUDING BUT NOT
52 LIMITED TO THE SAFE HANDLING AND STORAGE OF FIREARMS, RIFLES, AND SHOT-

53 GUNS; AND
54 4. HOW TO COMPLY WITH PROVISIONS OF SECTION NINE HUNDRED SIX OF THIS
55 ARTICLE.
S. 1715--A

5

1 NO EMPLOYEE OR AGENT OF ANY RETAIL DEALER SHALL PARTICIPATE IN THE
2 SALE OR DISPOSITION OF FIREARMS, RIFLES, OR SHOTGUNS UNLESS SUCH PERSON
3 IS AT LEAST TWENTY-ONE YEARS OF AGE AND HAS FIRST RECEIVED THE TRAINING
4 REQUIRED BY THIS SECTION. THE SUPERINTENDENT SHALL PROMULGATE REGU-
5 LATIONS SETTING FORTH MINIMUM REQUIREMENTS FOR THE MAINTENANCE OF
6 RECORDS OF SUCH TRAINING.

7 S 906. RETAIL SALES OF FIREARMS, RIFLES, AND SHOTGUNS. 1. NO RETAIL
8 DEALER SHALL SELL, DELIVER, LEASE, OR TRANSFER ANY FIREARM, RIFLE, OR
9 SHOTGUN TO ANY RETAIL CUSTOMER UNLESS SUCH RETAIL DEALER HAS: (A)
10 CONDUCTED THE REQUIRED NATIONAL INSTANT CRIMINAL BACKGROUND CHECK AND
11 COMPLIED WITH THE PROVISIONS OF 18 U.S.C. 922(T); (B) SHOWN THE TRANS-
12 FEREE HOW TO LOAD AND UNLOAD THE FIREARM, RIFLE, OR SHOTGUN, HOW TO
13 ENGAGE AND DISENGAGE ALL SAFETY DEVICES, AND HOW TO SAFELY STORE THE
14 WEAPON; (C) PROVIDED THE TRANSFEREE WITH A GUN LOCKING DEVICE AS
15 REQUIRED BY SECTION THREE HUNDRED NINETY-SIX-EE OF THIS CHAPTER; (D)
16 PROVIDED THE TRANSFEREE WITH A COPY OF THE SAFE STORAGE WARNING NOTICE
17 SET FORTH IN SUBDIVISION TWO OF THIS SECTION AND A COPY OF THE FEDERAL
18 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES DISPOSITION OF
19 FIREARMS NOTICE; (E) OBTAINED THE TRANSFEREE'S SIGNATURE ON A FORM
20 PROMULGATED BY THE SUPERINTENDENT CERTIFYING THAT THE TRANSFEREE HAS
21 RECEIVED THE INSTRUCTION AND NOTICE REQUIRED BY THIS SECTION; AND (F)
22 PROVIDED THE TRANSFEREE WITH A WRITTEN RECORD OF THE MAKE, MODEL, CALI-
23 BER OR GAUGE, AND SERIAL NUMBER OF EACH FIREARM, RIFLE, OR SHOTGUN
24 TRANSFERRED TO ENABLE THE TRANSFEREE TO ACCURATELY DESCRIBE THE WEAPON
25 TO LAW ENFORCEMENT IN THE EVENT THAT IT IS SUBSEQUENTLY LOST OR STOLEN.

26 2. NO RETAIL DEALER SHALL SELL, DELIVER, LEASE, OR TRANSFER ANY
27 FIREARM, RIFLE, OR SHOTGUN TO ANY PERSON UNLESS AT THE TIME OF SALE,
28 DELIVERY, LEASE, OR TRANSFER SUCH FIREARM, RIFLE, OR SHOTGUN IS ACCOMP-
29 NIED BY THE FOLLOWING WARNING, WHICH SHALL APPEAR IN CONSPICUOUS AND
30 LEGIBLE TYPE IN CAPITAL LETTERS, AND WHICH SHALL BE PRINTED ON A LABEL
31 AFFIXED TO SUCH FIREARM, RIFLE, OR SHOTGUN AND PLACED IN THE CONTAINER
32 IN WHICH SUCH FIREARM, RIFLE, OR SHOTGUN IS SOLD, DELIVERED, LEASED OR
33 TRANSFERRED: "THE USE OF A LOCKING DEVICE OR SAFETY LOCK IS ONLY ONE
34 ASPECT OF RESPONSIBLE FIREARM STORAGE. FIREARMS SHOULD BE STORED AND
35 LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR AMMUNITION AND
36 INACCESSIBLE TO CHILDREN AND OTHER UNAUTHORIZED PERSONS. MORE THAN
37 200,000 FIREARMS LIKE THIS ONE ARE STOLEN FROM THEIR OWNERS EVERY YEAR
38 IN THE UNITED STATES. IN ADDITION, THERE ARE MORE THAN A THOUSAND
39 SUICIDES EACH YEAR BY YOUNGER CHILDREN AND TEENAGERS WHO GET ACCESS TO
40 FIREARMS. HUNDREDS MORE DIE FROM ACCIDENTAL DISCHARGE. IT IS LIKELY THAT
41 MANY MORE CHILDREN SUSTAIN SERIOUS WOUNDS, OR INFLICT SUCH WOUNDS ACCI-
42 DENTALLY ON OTHERS. IN ORDER TO LIMIT THE CHANCE OF SUCH MISUSE, IT IS
43 IMPERATIVE THAT YOU KEEP THIS WEAPON LOCKED IN A SECURE PLACE AND TAKE
44 OTHER STEPS NECESSARY TO LIMIT THE POSSIBILITY OF THEFT OR ACCIDENT.
45 FAILURE TO TAKE REASONABLE PREVENTIVE STEPS MAY RESULT IN INNOCENT LIVES
46 BEING LOST, AND IN SOME CIRCUMSTANCES MAY RESULT IN YOUR LIABILITY."

47 S 907. MAINTENANCE OF RECORDS. EVERY DEALER SHALL ESTABLISH AND MAIN-
48 TAIN SUCH PURCHASE, SALE, INVENTORY, AND OTHER RECORDS AT THE DEALER'S
49 PLACE OF BUSINESS IN SUCH FORM AND FOR SUCH PERIOD AS THE SUPERINTENDENT
50 SHALL REQUIRE, AND SHALL AT A MINIMUM INCLUDE THE FOLLOWING:

51 1. EVERY DEALER SHALL RECORD THE MAKE, MODEL, CALIBER OR GAUGE, AND
52 SERIAL NUMBER OF ALL FIREARMS, RIFLES, AND SHOTGUNS THAT ARE ACQUIRED OR
53 DISPOSED OF NOT LATER THAN ONE BUSINESS DAY AFTER THEIR ACQUISITION OR
54 DISPOSITION. MONTHLY BACKUPS OF THESE RECORDS SHALL BE MAINTAINED IN A

55 SECURE CONTAINER DESIGNED TO PREVENT LOSS BY FIRE, THEFT, OR OTHER
56 MISHAP;
S. 1715--A 6

1 2. ALL FIREARMS, RIFLES, AND SHOTGUNS ACQUIRED BUT NOT YET DISPOSED OF
2 MUST BE ACCOUNTED FOR THROUGH AN INVENTORY CHECK PREPARED ONCE EACH
3 MONTH AND MAINTAINED IN A SECURE LOCATION;
4 3. FIREARM, RIFLE, AND SHOTGUN SALES INFORMATION, INCLUDING THE SERIAL
5 NUMBERS OF FIREARMS, RIFLES, AND SHOTGUNS SOLD, DATES OF SALE, AND IDEN-
6 TITY OF PURCHASERS, SHALL BE MAINTAINED AND MADE AVAILABLE TO GOVERNMENT
7 LAW ENFORCEMENT AGENCIES AND TO THE MANUFACTURER OF THE WEAPON OR ITS
8 DESIGNEE; AND

9 4. EVERY DEALER SHALL MAINTAIN RECORDS OF CRIMINAL FIREARM, RIFLE, AND
10 SHOTGUN TRACES INITIATED BY THE FEDERAL BUREAU OF ALCOHOL, TOBACCO,
11 FIREARMS AND EXPLOSIVES ("ATF"). ALL ATF FORM 4473 TRANSACTION RECORDS
12 SHALL BE RETAINED ON THE DEALER'S BUSINESS PREMISES IN A SECURE CONTAIN-
13 ER DESIGNED TO PREVENT LOSS BY FIRE, THEFT, OR OTHER MISHAP.

14 S 908. COOPERATION WITH LAW ENFORCEMENT. EVERY DEALER SHALL:

15 1. PROVIDE GOVERNMENT LAW ENFORCEMENT AGENCIES WITH FULL ACCESS TO ANY
16 DOCUMENTS RELATED TO THE ACQUISITION AND DISPOSITION OF FIREARMS OR
17 EMPLOYEE TRAINING DEEMED NECESSARY BY SUCH AGENCY;

18 2. PARTICIPATE IN AND COMPLY WITH ALL MONITORING OF FIREARM, RIFLE,
19 AND SHOTGUN DISTRIBUTION BY MANUFACTURERS OR GOVERNMENT LAW ENFORCEMENT
20 AGENCIES;

21 3. REPORT ALL ATF TRACE REQUESTS BY MAKE, MODEL, AND SERIAL NUMBER OF
22 FIREARM, DATE OF TRACE, AND DATE OF SALE TO THE MANUFACTURER OF THE
23 FIREARM, RIFLE, OR SHOTGUN ON A MONTHLY BASIS, UNLESS ATF DIRECTS THE
24 LICENSEE NOT TO REPORT CERTAIN TRACES, AND ALSO REPORT SUCH TRACES TO
25 THE SUPERINTENDENT FOR USE IN CONJUNCTION WITH THE CRIMINAL GUN CLEAR-
26 INGHOUSE ESTABLISHED PURSUANT TO SECTION TWO HUNDRED THIRTY OF THE EXEC-
27 UTIVE LAW;

28 4. ANALYZE ALL ATF TRACE REQUESTS TO DETERMINE WHETHER THERE IS A
29 PATTERN OF FIREARMS, RIFLES, OR SHOTGUNS SOLD BY THE DEALER BEING USED
30 FOR CRIMINAL PURPOSES, AND, IF SUCH PATTERN EXISTS, TAKE CORRECTIVE
31 ACTION AND REPORT SUCH FINDINGS AND SUCH CORRECTIVE ACTION TO THE SUPER-
32 INTENDENT; AND

33 5. REPORT ANY FIREARM, RIFLE, OR SHOTGUN SALES THAT APPEAR TO BE STRAW
34 PURCHASES OR OTHERWISE CREATE A REASONABLE SUSPICION THAT THE FIREARM,
35 RIFLE, OR SHOTGUN MAY BE DIVERTED FROM THE LEGAL STREAM OF COMMERCE.

36 S 909. INTERNAL COMPLIANCE AND CERTIFICATION. 1. EVERY DEALER SHALL:

37 (A) IMPLEMENT AND MAINTAIN SUFFICIENT INTERNAL COMPLIANCE PROCEDURES
38 TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE AND ALL
39 APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS GOVERNING THE
40 SALE, TRANSFER, AND DISPOSAL OF FIREARMS, RIFLES, AND SHOTGUNS; AND

41 (B) ANNUALLY CERTIFY TO THE SUPERINTENDENT THAT SUCH DEALER HAS
42 COMPLIED WITH ALL OF THE REQUIREMENTS OF THIS ARTICLE. THE SUPERINTEN-
43 DENT SHALL BY REGULATION DETERMINE THE FORM AND CONTENT OF SUCH ANNUAL
44 CERTIFICATION.

45 2. THE SUPERINTENDENT OF STATE POLICE SHALL PROMULGATE REGULATIONS
46 ESTABLISHING PERIODIC INSPECTIONS, DURING REGULAR AND USUAL BUSINESS
47 HOURS, BY THE DIVISION OF STATE POLICE OF THE PREMISES OF EVERY DEALER
48 TO DETERMINE COMPLIANCE BY SUCH DEALER WITH THE REQUIREMENTS OF THIS
49 ARTICLE. EVERY DEALER SHALL PROVIDE THE DIVISION OF STATE POLICE WITH
50 FULL ACCESS TO SUCH DEALER'S PREMISES FOR SUCH INSPECTIONS.

51 S 910. RULES AND REGULATIONS. THE SUPERINTENDENT MAY PROMULGATE SUCH
52 ADDITIONAL RULES AND REGULATIONS AS THE SUPERINTENDENT SHALL DEEM NECES-
53 SARY TO PREVENT FIREARMS, RIFLES, AND SHOTGUNS FROM BEING DIVERTED FROM
54 THE LEGAL STREAM OF COMMERCE.

55 S 911. VIOLATIONS. ANY PERSON, FIRM, OR CORPORATION WHO KNOWINGLY

56 VIOLATES ANY PROVISION OF THIS ARTICLE SHALL BE GUILTY OF A CLASS A
S. 1715--A 7

1 MISDEMEANOR PUNISHABLE AS PROVIDED FOR IN THE PENAL LAW, AND SHALL BE
2 GUILTY OF A CLASS E FELONY FOR A SECOND VIOLATION OCCURRING WITHIN FIVE
3 YEARS OF A PRIOR CONVICTION FOR A VIOLATION OF ANY PROVISION OF THIS
4 ARTICLE.

5 S 3. Subdivision 1 of section 396-ee of the general business law, as
6 added by chapter 189 of the laws of 2000, is amended to read as follows:

7 (1) No person, firm or corporation engaged in the retail business of
8 selling rifles, shotguns or firearms, as such terms are defined in
9 section 265.00 of the penal law, shall sell, deliver or transfer any
10 such rifle, shotgun or firearm to another person unless the transferee
11 is provided at the time of sale, delivery or transfer with a gun locking
12 device and a label containing the quoted language specified in subdivi-
13 sion two of [this] section [is either] NINE HUNDRED SIX OF THIS CHAPTER,
14 WHICH SHALL APPEAR IN CONSPICUOUS AND LEGIBLE TYPE IN CAPITAL LETTERS,
15 AND SHALL BE affixed to such rifle, shotgun or firearm [or] AND placed
16 in the container in which such rifle, shotgun or firearm is sold, deliv-
17 ered or transferred. For the purposes of this section, the term "gun
18 locking device" shall mean an integrated design feature or an attachable
19 accessory that is resistant to tampering and is effective in preventing
20 the discharge of such rifle, shotgun or firearm by a person who does not
21 have access to the key, combination or other mechanism used to disengage
22 the device. The division of state police shall develop and promulgate
23 rules and regulations setting forth the specific devices or the minimum
24 standards and criteria therefor which constitute an effective gun lock-
25 ing device.

26 S 4. Subdivision 1 of section 400.00 of the penal law, as amended by
27 chapter 189 of the laws of 2000, is amended to read as follows:

28 1. Eligibility. No license shall be issued or renewed pursuant to this
29 section except by the licensing officer, and then only after investi-
30 gation and finding that all statements in a proper application for a
31 license are true. No license shall be issued or renewed except for an
32 applicant (a) twenty-one years of age or older, provided, however, that
33 where such applicant has been honorably discharged from the United
34 States army, navy, marine corps, air force or coast guard, or the
35 national guard of the state of New York, no such age restriction shall
36 apply; (b) of good moral character; (c) who has not been convicted
37 anywhere of a felony or a serious offense; (d) who has stated whether he
38 or she has ever suffered any mental illness or been confined to any
39 hospital or institution, public or private, for mental illness; (e) who
40 has not had a license revoked or who is not under a suspension or inel-
41 igibility order issued pursuant to the provisions of section 530.14 of
42 the criminal procedure law or section eight hundred forty-two-a of the
43 family court act; (f) in the county of Westchester, who has successfully
44 completed a firearms safety course and test as evidenced by a certif-
45 icate of completion issued in his or her name and endorsed and affirmed
46 under the penalties of perjury by a duly authorized instructor, except
47 that: (i) persons who are honorably discharged from the United States
48 army, navy, marine corps or coast guard, or of the national guard of the
49 state of New York, and produce evidence of official qualification in
50 firearms during the term of service are not required to have completed
51 those hours of a firearms safety course pertaining to the safe use,
52 carrying, possession, maintenance and storage of a firearm; and (ii)
53 persons who were licensed to possess a pistol or revolver prior to the
54 effective date of this paragraph are not required to have completed a
55 firearms safety course and test; and (g) concerning whom no good cause
56 exists for the denial of the license. No person shall engage in the

S. 1715--A

8

1 business of gunsmith or dealer in firearms unless licensed pursuant to
2 this section, AND NO PERSON SHALL ENGAGE IN THE BUSINESS OF DEALER IN
3 FIREARMS UNLESS SUCH PERSON COMPLIES WITH THE PROVISIONS OF ARTICLES
4 THIRTY-NINE-DD AND FORTY OF THE GENERAL BUSINESS LAW. An applicant to
5 engage in such business shall also be a citizen of the United States,
6 more than twenty-one years of age and maintain a place of business in
7 the city or county where the license is issued. For such business, if
8 the applicant is a firm or partnership, each member thereof shall comply
9 with all of the requirements set forth in this subdivision and if the
10 applicant is a corporation, each officer thereof shall so comply.

11 S 5. Subdivisions 11 and 12 of section 400.00 of the penal law, subdivi-
12 sion 11 as amended by chapter 210 of the laws of 1999 and subdivision
13 12 as amended by chapter 449 of the laws of 1993, are amended to read as
14 follows:

15 11. License: revocation and suspension. The conviction of a licensee
16 anywhere of a felony or serious offense shall operate as a revocation of
17 the license. A license may be revoked or suspended as provided for in
18 section 530.14 of the criminal procedure law or section eight hundred
19 forty-two-a of the family court act. Except for a license issued pursu-
20 ant to section 400.01 of this article, a license may be revoked and
21 cancelled at any time in the city of New York, and in the counties of
22 Nassau and Suffolk, by the licensing officer, and elsewhere than in the
23 city of New York by any judge or justice of a court of record; a license
24 issued pursuant to section 400.01 of this article may be revoked and
25 cancelled at any time by the licensing officer or any judge or justice
26 of a court of record. A LICENSE TO ENGAGE IN THE BUSINESS OF DEALER MAY
27 BE REVOKED OR SUSPENDED FOR ANY VIOLATION OF THE PROVISIONS OF ARTICLE
28 THIRTY-NINE-DD OR FORTY OF THE GENERAL BUSINESS LAW. The official revok-
29 ing a license shall give written notice thereof without unnecessary
30 delay to the executive department, division of state police, Albany, and
31 shall also notify immediately the duly constituted police authorities of
32 the locality.

33 12. Records required of gunsmiths and dealers in firearms. [Any] IN
34 ADDITION TO THE REQUIREMENTS SET FORTH IN ARTICLES THIRTY-NINE-DD AND
35 FORTY OF THE GENERAL BUSINESS LAW, ANY person licensed as gunsmith or
36 dealer in firearms shall keep a record book approved as to form, except
37 in the city of New York, by the superintendent of state police. In the
38 record book shall be entered at the time of every transaction involving
39 a firearm the date, name, age, occupation and residence of any person
40 from whom a firearm is received or to whom a firearm is delivered, and
41 the calibre, make, model, manufacturer's name and serial number, or if
42 none, any other distinguishing number or identification mark on such
43 firearm. Before delivering a firearm to any person, the licensee shall
44 require him to produce either a license valid under this section to
45 carry or possess the same, or proof of lawful authority as an exempt
46 person pursuant to section 265.20 OF THIS CHAPTER. In addition, before
47 delivering a firearm to a peace officer, the licensee shall verify that
48 person's status as a peace officer with the division of state police.
49 After completing the foregoing, the licensee shall remove and retain the
50 attached coupon and enter in the record book the date of such license,
51 number, if any, and name of the licensing officer, in the case of the
52 holder of a license to carry or possess, or the shield or other number,
53 if any, assignment and department, unit or agency, in the case of an
54 exempt person. The original transaction report shall be forwarded to the
55 division of state police within ten days of delivering a firearm to any
56 person, and a duplicate copy shall be kept by the licensee. The record

S. 1715--A

9

1 book shall be maintained on the premises mentioned and described in the
2 license and shall be open at all reasonable hours for inspection by any
3 peace officer, acting pursuant to his special duties, or police officer.
4 In the event of cancellation or revocation of the license for gunsmith
5 or dealer in firearms, or discontinuance of business by a licensee, such
6 record book shall be immediately surrendered to the licensing officer in
7 the city of New York, and in the counties of Nassau and Suffolk, and
8 elsewhere in the state to the executive department, division of state
9 police.

10 S 6. Severability. If any clause, sentence, paragraph, section or part
11 of this act shall be adjudged by any court of competent jurisdiction to
12 be invalid, such judgment shall not affect, impair or invalidate the
13 remainder thereof, but shall be confined in its operation to the clause,
14 sentence, paragraph, section or part thereof directly involved in the
15 controversy in which such judgment shall have been rendered.

16 S 7. This act shall take effect on the ninetieth day after it shall
17 have become a law; provided that the superintendent of the division of
18 state police is authorized and directed to immediately adopt, amend, and
19 promulgate such rules and regulations as may be necessary and desirable
20 to effectuate the purposes of section two of this act.

[Go to top](#)

Contact Webmaster

Page display time = 0.202 sec



Tuesday, March 23, 2010

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

Bill No.: Summary Actions Votes Memo Text

S. 1712 Text:

STATE OF NEW YORK

1712

2009-2010 Regular Sessions

IN SENATE

February 5, 2009

Introduced by Sen. SCHNEIDERMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to sale of guns at certain types of events

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 895 of the general business law,
2 as added by chapter 189 of the laws of 2000, is amended to read as
3 follows:

4 1. "Gun show" means an event [sponsored, whether for profit or not, by
5 an individual, national, state or local organization, association or
6 other entity devoted to the collection, competitive use, sporting use,
7 or any other legal use of firearms, rifles or shotguns, or an event] at
8 which (a) twenty percent or more of the total number of exhibitors are
9 firearm exhibitors or (b) ten or more firearm exhibitors are participat-
10 ing or (c) a total of twenty-five or more pistols or revolvers are
11 offered for sale [or], transfer OR EXCHANGE or (d) a total of fifty or
12 more firearms, rifles or shotguns are offered for sale [or], transfer OR
13 EXCHANGE OR (E) A PUBLIC AUCTION, FLEA MARKET OR GARAGE SALE IS HELD AND
14 FIREARMS, RIFLES OR SHOTGUNS ARE OFFERED FOR SALE, TRANSFER OR EXCHANGE.
15 The term gun show shall include any building, structure or facility
16 where firearms, rifles or shotguns are offered for sale [or], transfer
17 OR EXCHANGE and any grounds used in connection with the event.

18 S 2. This act shall take effect on the thirtieth day after it shall
19 have become a law.

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

LBD01428-01-9

[Go to top](#)

Contact Webmaster

Page display time = 0.0239 sec



Tuesday, March 23, 2010

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

Bill No.: A. 1275

Summary Actions Votes Memo
 Text

A. 1275 Text:

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

1275

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PAULIN, PHEFFER, BING, ROSENTHAL -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, GLICK, GOTTFRIED, HOOPER, WEINSTEIN -- read once and referred to the Committee on Insurance

AN ACT to amend the general business law, in relation to sale of guns at certain types of events

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 895 of the general business law,
 2 as added by chapter 189 of the laws of 2000, is amended to read as
 3 follows:

4 1. "Gun show" means an event [sponsored, whether for profit or not, by
 5 an individual, national, state or local organization, association or
 6 other entity devoted to the collection, competitive use, sporting use,
 7 or any other legal use of firearms, rifles or shotguns, or an event] at
 8 which (a) twenty percent or more of the total number of exhibitors are
 9 firearm exhibitors or (b) ten or more firearm exhibitors are participat-
 10 ing or (c) a total of twenty-five or more pistols or revolvers are
 11 offered for sale [or], transfer OR EXCHANGE or (d) a total of fifty or
 12 more firearms, rifles or shotguns are offered for sale [or], transfer OR
 13 EXCHANGE OR (E) A PUBLIC AUCTION, FLEA MARKET OR GARAGE SALE IS HELD AND
 14 FIREARMS, RIFLES OR SHOTGUNS ARE OFFERED FOR SALE, TRANSFER OR EXCHANGE.
 15 The term gun show shall include any building, structure or facility
 16 where firearms, rifles or shotguns are offered for sale [or], transfer
 17 OR EXCHANGE and any grounds used in connection with the event.

18 S 2. This act shall take effect on the thirtieth day after it shall

19 have become a law.

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

LBD01428-01-9

[Go to top](#)

Contact Webmaster:

Page display time = 0.0237 sec



Tuesday, March 23, 2010

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

Bill No.: A. 2884

Summary Actions Votes Memo
 Text

A. 2884 Text:

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

2884

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. KOON, ENGLEBRIGHT, DESTITO -- Multi-Sponsored by
 -- M. of A. BRADLEY, GALEF -- read once and referred to the Committee
 on Codes

AN ACT to amend the penal law, in relation to prohibiting the sale of
 guns at a gun show located on public property

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
 BLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The penal law is amended by adding a new section 265.45 to
 2 read as follows:
 3 S 265.45 ILLEGAL SALE OF A GUN AT A GUN SHOW LOCATED ON PUBLIC PROPERTY.
 4 A PERSON IS GUILTY OF ILLEGAL SALE OF A GUN AT A GUN SHOW LOCATED ON
 5 PUBLIC PROPERTY WHEN HE OR SHE SELLS, TRANSFERS, EXCHANGES, GIVES OR
 6 DISPOSES OF A RIFLE, SHOTGUN OR FIREARM AT A GUN SHOW WHERE THE GUN SHOW
 7 IS LOCATED ON PROPERTY OWNED BY THE STATE OR ANY POLITICAL SUBDIVISION
 8 THEREOF.
 9 FOR PURPOSES OF THIS SECTION, "GUN SHOW" SHALL MEAN ANY EVENT AT WHICH
 10 TWENTY OR MORE GUNS ARE OFFERED OR EXHIBITED FOR SALE, TRANSFER OR
 11 EXCHANGE AND AT WHICH THREE OR MORE PERSONS ARE OFFERING OR EXHIBITING
 12 ONE OR MORE GUNS FOR SALE, TRANSFER, OR EXCHANGE.
 13 ILLEGAL SALE OF A GUN AT A GUN SHOW LOCATED ON PUBLIC PROPERTY IS A
 14 CLASS A MISDEMEANOR.
 15 S 2. Subdivision 8 of section 400.00 of the penal law, as amended by
 16 chapter 189 of the laws of 2000, is amended to read as follows:
 17 8. License: exhibition and display. Every licensee while carrying a
 18 pistol or revolver shall have on his or her person a license to carry
 19 the same. Every person licensed to possess a pistol or revolver on
 20 particular premises shall have the license for the same on such prem-

21 ises. Upon demand, the license shall be exhibited for inspection to any
22 peace officer, who is acting pursuant to his or her special duties, or
23 police officer. A license as gunsmith or dealer in firearms shall be
24 prominently displayed on the licensed premises. A gunsmith or dealer of

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

LBD02346-01-9

A. 2884

2

1 firearms may conduct business temporarily at a location other than the
2 location specified on the license if such temporary location is the
3 location for a gun show or event NOT LOCATED ON PROPERTY OWNED BY THE
4 STATE OR ANY POLITICAL SUBDIVISION THEREOF sponsored by any national,
5 state, or local organization, or any affiliate of any such organization
6 devoted to the collection, competitive use or other sporting use of
7 firearms. Any sale or transfer at a gun show must also comply with the
8 provisions of article thirty-nine-DD of the general business law.
9 Records of receipt and disposition of firearms transactions conducted at
10 such temporary location shall include the location of the sale or other
11 disposition and shall be entered in the permanent records of the
12 gunsmith or dealer of firearms and retained on the location specified on
13 the license. Nothing in this section shall authorize any licensee to
14 conduct business from any motorized or towed vehicle. A separate fee
15 shall not be required of a licensee with respect to business conducted
16 under this subdivision. Any inspection or examination of inventory or
17 records under this section at such temporary location shall be limited
18 to inventory consisting of, or records related to, firearms held or
19 disposed at such temporary locations. Failure of any licensee to so
20 exhibit or display his or her license, as the case may be, shall be
21 presumptive evidence that he or she is not duly licensed.
22 S 3. This act shall take effect on the thirtieth day after it shall
23 have become a law.

[Go to top](#)

Contact Webmaster

Page display time = 0.0256 sec