

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR LORIGO, RATH, DIXON & HARDWICK**

Re: Opposing Increased Fee Frequency by New York State for Certain Firearms Licenses

WHEREAS, in order to obtain a permit to possess a pistol or revolver in New York State, an extensive process is required, including a background check and safety course; and

WHEREAS, upon receiving a permit to possess a pistol or revolver, having been through an extensive process to obtain a permit, a permit holder is not required to renew the permit; and

WHEREAS, if a permit holder violates the terms of the permit, the permit can be revoked; and

WHEREAS, New York State Senate Bill 725 and Assembly Bill 380 seek to require renewal of permits every five years; and

WHEREAS, given the extensive process to obtain a permit and the terms and conditions required to maintain a permit, requiring renewal of the permit can only be considered a cash grab to fund a growing New York State government; and

WHEREAS, such legislation does nothing to promote responsible pistol and revolver ownership.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature opposes New York State Senate Bill 725 and Assembly Bill 380; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Andrew Cuomo and the Western New York Delegation of the New York State Senate and Assembly.

Fiscal Impact: None

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

725

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

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

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

1 Section 1. Subdivision 10 of section 400.00 of the penal law, as
2 amended by chapter 447 of the laws of 1997, is amended to read as
3 follows:
4 10. License: expiration[, certification] and renewal. Any license for
5 gunsmith or dealer in firearms and, in the city of New York, any license
6 to carry or possess a pistol or revolver, issued at any time pursuant to
7 this section or prior to the first day of July, nineteen hundred sixty-
8 three and not limited to expire on an earlier date fixed in the license,
9 shall expire not more than three years after the date of issuance. [In
10 the counties of Nassau, Suffolk and Westchester, any license to carry or
11 possess a pistol or revolver, issued at any time pursuant to this
12 section or prior to the first day of July, nineteen hundred sixty-three
13 and not limited to expire on an earlier date fixed in the license, shall
14 expire not more than five years after the date of issuance; however, in
15 the county of Westchester, any such license shall be certified prior to
16 the first day of April, two thousand, in accordance with a schedule to
17 be contained in regulations promulgated by the commissioner of the divi-
18 sion of criminal justice services, and every such license shall be
19 recertified every five years thereafter. For purposes of this section
20 certification shall mean that the licensee shall provide to the licens-
21 ing officer the following information only: current name, date of
22 birth, current address, and the make, model, caliber and serial number
23 of all firearms currently possessed. Such certification information

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

LBD00317-01-1

S. 725

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1 shall be filed by the licensing officer in the same manner as an amend-
2 ment. Elsewhere than in the city of New York and the counties of Nassau,
3 Suffolk and Westchester, any license to carry or possess a pistol or
4 revolver, issued at any time pursuant to this section or prior to the
5 first day of July, nineteen hundred sixty-three and not previously
6 revoked or cancelled, shall be in force and effect until revoked as
7 herein provided.] ELSEWHERE THAN IN THE CITY OF NEW YORK ANY LICENSE TO

8 CARRY OR POSSESS A PISTOL OR REVOLVER, ISSUED AT ANY TIME PURSUANT TO
9 THIS SECTION OR PRIOR TO THE FIRST DAY OF JULY, NINETEEN HUNDRED SIXTY-
10 THREE AND NOT LIMITED TO EXPIRE ON AN EARLIER DATE FIXED IN THE LICENSE,
11 SHALL EXPIRE NOT MORE THAN FIVE YEARS AFTER THE DATE OF ISSUANCE,
12 PROVIDED THAT ELSEWHERE THAN IN THE CITY OF NEW YORK, NASSAU COUNTY AND
13 SUFFOLK COUNTY, THE DATE OF ISSUANCE OF ANY SUCH LICENSE FOR PURPOSES OF
14 DETERMINING THE EXPIRATION DATE OF SUCH LICENSE SHALL BE ESTABLISHED IN
15 ACCORDANCE WITH A SCHEDULE TO BE CONTAINED IN REGULATIONS PROMULGATED BY
16 THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES. Any
17 license not previously cancelled or revoked shall remain in full force
18 and effect for thirty days beyond the stated expiration date on such
19 license. Any application to renew a license that has not previously
20 expired, been revoked or cancelled shall thereby extend the term of the
21 license until disposition of the application by the licensing officer.
22 In the case of a license for gunsmith or dealer in firearms, in counties
23 having a population of less than two hundred thousand inhabitants,
24 photographs and fingerprints shall be submitted on original applications
25 and upon renewal thereafter only at six year intervals. Upon satisfac-
26 tory proof that a currently valid original license has been despoiled,
27 lost or otherwise removed from the possession of the licensee and upon
28 application containing an additional photograph of the licensee, the
29 licensing officer shall issue a duplicate license.

30 S 2. This act shall take effect immediately.

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

380

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. PAULIN, COOK, SCHIMEL, ROSENTHAL, JAFFEE, KAVANAGH -- Multi-Sponsored by -- M. of A. BRENNAN, CYMBROWITZ, HOOPER, PERRY, PHEFFER, TOWNS -- read once and referred to the Committee on Codes

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A. 380

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