

THE COUNCIL

The City of New York

Int. No. 320

May 21, 1998

Introduced by Council Members Leffler, Golden, Provenzano, Dear, Berman, Freed, Linares, Lopez, Reed, Watkins, Wooten, Fiala, Fusco and Stabile; also Council Members Eisland, Fisher, Lasher, Marshall, McCaffrey, Povman, Eristoff and Ognibene—read and referred to the Committee on Public Safety.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the use of safety locking devices with weapons.

Be it enacted by the Council as follows:

1 Section 1. Section 10-311 of the administrative code of the city of New York, as
2 added by local law number 21 of 1998, is amended to read as follows:

3 § 10-311 Sale of [pistols or revolvers] *weapons* without safety locking device
4 prohibited.

5 a. It shall be unlawful for any person or business enterprise to dispose of a [pistol
6 or revolver] *weapon* which does not contain a safety locking device. For the purposes of
7 this section and *section 10-312; (1) weapon shall mean a firearm, rifle, shotgun, or*
8 *assault weapon, as such terms are defined in section 10-301; or a machine gun, as*
9 *defined in penal law section 265.00; and (2) a safety locking device shall mean a design*
10 adaptation or attachable accessory that will prevent the use of the weapon by an unau-
11 thorized user, and includes, but is not limited to, a trigger lock, which prevents the
12 pulling of the trigger without the use of a key, or a combination handle, which prevents
13 the use of the weapon without the alignment of the combination tumblers.

14 b. It shall be unlawful for any licensed manufacturer, licensed importer, or licensed

dealer to [sell, deliver or transfer] *dispose of* any [pistol or revolver] *weapon* in the city of New York unless accompanied by the following warning, which shall appear in conspicuous and legible type in capital letters, and which shall be printed on a label affixed to the [gun] *weapon* and on a separate sheet of paper included within the packaging enclosing the [handgun] *weapon*:

“THE USE OF A LOCKING DEVICE OR SAFETY LOCK IS ONLY ONE ASPECT OF A RESPONSIBLE FIREARM STORAGE. ALL FIREARMS, INCLUDING RIFLES AND SHOTGUNS, SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR AMMUNITION AND INACCESSIBLE TO CHILDREN AND OTHER UNAUTHORIZED PERSONS.”

c. Any person who owns or has lawful custody of a weapon and who applies for renewal of a license or permit to possess such weapon, pursuant to chapters one or three of title ten of this code, shall be required to purchase a safety locking device prior to the issuance of such license or permit renewal. Such persons shall certify, under penalty of perjury, on a form provided by the commissioner, that he or she has purchased a safety locking device as required by this section, and will utilize it appropriately. Upon the failure of a person applying for such renewal to certify to the commissioner that he or she has purchased a safety locking device, as required by this subdivision, and will utilize it appropriately, the commissioner may deny the application and revoke or suspend all weapons licenses and permits issued to such person.

d. Any person who applies for and obtains authorization to purchase a weapon or otherwise lawfully obtains a weapon pursuant to chapters one or three of title ten of this code shall be required to purchase a safety locking device at the time he or she purchases or obtains the weapon. Upon the failure to do so, the commissioner may

1 *revoke or suspend all weapons licenses and permits issued to such person.*

2 *e. (1) The police commissioner is authorized to promulgate rules setting forth the*
3 *types of safety locking devices which will comply with this section in accordance with*
4 *subdivision a of this section. The city of New York and its agencies, officers or employ-*
5 *ees shall not be liable to any party by reason of any incident involving, or the use or*
6 *misuse of, a safety locking device that may have been purchased in compliance with*
7 *such rules promulgated by the commissioner.*

8 (2) The police commissioner shall provide written notice of the requirements of
9 this section *and section 10-312* to all persons who receive an official authorization to
10 purchase a [pistol or revolver] *weapon and all persons applying for renewal of a license*
11 *or permit issued pursuant to chapters one or three of title ten*, including any rules pro-
12 mulgated under this subdivision. All persons applying for a *license or permit* or apply-
13 ing for a renewal of a *license or permit* pursuant to *chapters one or three* of title ten of
14 this code, shall receive from the commissioner information concerning the importance
15 of using a safety locking device while the weapon is not in use, and a warning that
16 [firearms] *weapons* should be stored unloaded and locked in a location that is both sepa-
17 rate from the ammunition and inaccessible to their children and other unauthorized per-
18 sons.

19 [d.] *f. Any violation of subdivisions a or b of this section or any rule promulgated*
20 [hereunder] *thereunder* shall be *tribal* by a judge of the criminal court of the city of New
21 York and punishable by imprisonment of not more than thirty days or by a fine of not
22 more than five hundred dollars, or both.

23 § 2. Chapter 3 of title 10 of the administrative code of the city of New York is
24 amended by adding a new section 10-312, to read as follows:

25 § 10-312 *Use of safety locking devices required under certain circumstances.*

1 *a. It shall be unlawful for any person who is the lawful owner or lawful custodian*
2 *of a weapon, as that term is defined in section 10-311, to store or otherwise place or*
3 *leave such weapon in such a manner or under circumstances that it is out of his or her*
4 *immediate possession or control, without having rendered such weapon inoperable by*
5 *employing a safety locking device. Any person who violates this subdivision shall be*
6 *guilty of a violation, punishable by imprisonment of not more than ten days or by a fine*
7 *of not more than two hundred fifty dollars, or both.*

8 *b. Any person who violates subdivision a of this section having previously been*
9 *found guilty of a violation of such subdivision, or under circumstances which create a*
10 *substantial risk of physical injury to another person, shall be guilty of a misdemeanor*
11 *punishable by imprisonment of not more than thirty days or by a fine of not more than*
12 *one thousand dollars, or both.*

13 *c. In addition to any penalty imposed pursuant to this section the commissioner*
14 *may immediately revoke or suspend any license or permit for the possession of a*
15 *weapon issued to the defendant in accordance with the rules of the police department.*
16 *The outcome of any case brought pursuant to this section before a criminal court shall*
17 *not be binding on the commissioner.*

18 *d. The provisions of this section shall not apply to weapons owned or lawfully pos-*
19 *sessed by a police officer as such term is defined in section 1.20 of the criminal proce-*
20 *dure law, where the weapon is being used for a lawful purpose or stored in a manner*
21 *consistent with rules of the police department. With respect to police officers employed*
22 *by the city of New York the commissioner is authorized to promulgate rules regarding*
23 *safety in the handling of weapons which may include the use of locking devices as*
24 *appropriate.*

25 § 3. This local law shall take effect on the same date that local law number 21 of

1 1998 becomes effective, except that the rulemaking authorization contained in paragraph
2 one of subdivision e of section 10-311 and in subdivision d of section 10-213 of the
3 administrative code of New York, as relettered and added by this local law, shall take
4 effect immediately; and further, that the provisions of subdivisions c and d of section
5 10-311 of the administrative code of the city of New York, as added by this local law,
6 shall take effect on the first day of the month next succeeding the date upon which local
7 law number 21 of 1998 becomes effective.

Note: Matter in *italics* is new; matter in brackets [] to be omitted.