



Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of a rifle or shotgun to anyone under 21 years of age, requiring firearms dealers to collect additional information from ammunition purchasers and enhancing permit information requirements.

Sponsors: James Sanders, Jr., Peter F. Vallone, Jr., David Yassky, Pedro Espada, Jr., Simcha Felder, Lewis A. Fidler, Helen D. Foster, James F. Gennaro, Alan J. Gerson, Robert Jackson, Allan W. Jennings, Jr., John C. Liu, Margarita Lopez, Michael C. Nelson, Christine C. Quinn, Helen Sears, Jose M. Serrano, Kendall Stewart, Albert Vann, David I. Weprin, Eva S. Moskowitz

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Attachments: 1. Committee Report, 2. Hearing Transcript

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4/30/2003	*	City Council	Referred to Comm by Council	
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Int. No. 454

By Council Members Sanders, Vallone, Yassky, Espada, Felder, Fidler, Foster, Gennaro, Gerson, Jackson, Jennings, Liu, Lopez, Nelson, Quinn, Sears, Serrano, Stewart, Vann, Weprin and Moskowitz

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of a rifle or shotgun to anyone under 21 years of age, requiring firearms dealers to collect additional information from ammunition purchasers and enhancing permit information requirements.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 10-303 of the administrative code of the city of New York is hereby amended to read as follows:

§ 10-303.

a. Requirements. No person shall be denied a permit to purchase and possess a rifle or shotgun unless

the applicant:

- (1) is under the age of [eighteen] twenty-one; or
- (2) is not of good moral character; or
- (3) has been convicted anywhere of a felony or of a serious offense; or
- (4) has not stated whether he or she has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness; or
- (5) is not now free from any mental disorders, defects or diseases that would impair the ability safely to possess or use a rifle or shotgun; or
- (6) unless good cause exists for the denial of the permit.

§ 2. Subdivision f of section 10-303 of the administrative code of the city of New York is hereby amended to read as follows:

f. Validity. Any person to whom a rifle and shotgun permit has been validly issued pursuant to this chapter may possess a rifle or shotgun. Such permit shall specify the identifying information of each rifle or shotgun covered by the permit, including the caliber, make, model, manufacturer's name and serial number. No permit shall be transferred to any other person. Every person carrying a rifle or shotgun shall have on his or her person a permit which shall be exhibited for inspection to any peace officer or police officer upon demand. Failure of any such person to so exhibit his or her permit shall be presumptive evidence that he or she is not duly authorized to possess a rifle or shotgun and the same may be considered by the police commissioner as cause for revocation or suspension of such permit. A permit shall be valid for three (3) years and shall be subject to automatic renewal, upon sworn application, and without investigation, unless the police commissioner has reason to believe that the status of the applicant has changed since the previous application.

§ 3. Chapter 3 of Title 10 of the administrative code of the city of New York is hereby amended by adding a new subdivision i to section 10-303 to read as follows:

i. Amendment. Any person to whom a rifle or shotgun permit has been validly issued pursuant to this chapter

shall apply at any time to the police commissioner for amendment of his or her permit to include one or more such weapons or to cancel weapons held under the permit. If granted, a record of the amendment describing the weapons involved shall be filed with the police commissioner.

§ 4. Subdivision a of section 10-305 of the administrative code of the city of New York is hereby amended to read as follows:

§ 10-305. Exemptions.

The sections requiring rifle and shotgun permits and certificates and prohibiting the possession or disposition of assault weapons shall not apply as follows:

- a. Minors. Any person under the age of [eighteen] twenty-one years may carry, fire, or use any rifle or shotgun in the actual presence or under the direct supervision of any person who is a holder of a rifle or shotgun permit, or for the purpose of military drill under the auspices of a legally recognized organization and under competent supervision or for the purpose of competition or target practice in and upon a firing range approved by the police commissioner or any other governmental agency authorized to provide such approval, or the national rifle association, which is under competent supervision at the time of such competition or target practice, provided that the rifle or shotgun is otherwise properly registered or exempt from registration by virtue of some other provision of this chapter. This exemption shall not apply to assault weapons.

§ 5. Subdivision e of section 10-306 of the administrative code of the city of New York is hereby amended to read as follows:

§ 10-306.

- e. A record shall be ke[e]pt by the dealer of each disposition of ammunition or ammunition feeding devices under this section which shall show the type, caliber and quantity of ammunition or ammunition feeding devices disposed of, the name and address of the person receiving same, the caliber, make, model, manufacturer's name and serial number of the rifle or shotgun for which the purchaser is purchasing

ammunition, the date and time of the transaction, and the number of the permit and certificate exhibited or description of the proof of exemption exhibited as required by this section. Such information shall be made available to state law enforcement agencies.

§ 6. This local law shall take effect ninety days after its enactment into law.

LS# 1621& 1619

TQ