



Legislation Text

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Proposed Int. No. 211-A

By Council Members Yassky, Vallone, Clarke, Davis, DeBlasio, Felder, Fidler, Foster, Gerson, Koppell, Moskowitz, Perkins, Recchia, Seabrook, Sears, Stewart, Gennaro and Brewer; also Council Members Quinn, Boyland, Addabbo and Comrie

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the issuance of a permit for the possession and purchase of rifles and shotguns to certain persons.

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 amended to read as follows:

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; or
- (2) is not of good moral character; or
- (3) has been convicted anywhere of a felony [or]; of a serious offense as defined in § 265.00 (17) of the New York State Penal Law; of a misdemeanor crime of domestic violence as defined in § 921 (a) of title 18, United States Code; of a misdemeanor crime of assault as defined in the penal law where the applicant was convicted of such assault within the ten years preceding the submission of the application; or of any three misdemeanors as defined in local, state or federal law, however nothing in this paragraph shall preclude the denial of a permit to an applicant with fewer than three misdemeanor convictions;
- (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) has been the subject of a suspension or ineligibility order issued pursuant to § 530.14 of the New York State Criminal Procedure Law or § 842-a of the New York State Family Court Act; or

(7) who is subject to a court order that

(a) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate;

(b) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(c) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

(a) For purposes of this section only, “intimate partner” means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person; or

[(6)] (8) unless good cause exists for the denial of the permit.

§2. This local law shall take effect sixty days after its enactment into law, however, with respect to a person holding an existing permit on the date of enactment, this local law shall take effect upon the date of submission by such person of an application for renewal of the permit.

TB:ml

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