



## Legislation Text

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Int. No. 363-A

By The Speaker (Council Member Quinn) and Council Members Vallone Jr., Addabbo Jr., Brewer, Clarke, Comrie, Felder, Fidler, Gentile, Gonzalez, James, Koppell, Liu, Mark-Viverito, Martinez, Monserrate, Nelson, Recchia Jr., Stewart, Vann, Weprin, Mealy, Garodnick, McMahon, Gioia, Gennaro, Sears, Dilan, Foster, Jackson, Yassky, Katz, Oddo and The Public Advocate (Ms. Gotbaum) (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to detecting and preventing the theft of firearms from licensed firearms dealers.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council finds that action is necessary to detect, and therefore prevent, the theft of firearms from licensed dealers. Firearms illicitly removed from licensed dealers provide one avenue of supply for the illegal handgun market and for gun crime. Given the lethality of modern handguns and the existence of a market for the illegal resale of handguns to people who should not legally possess them, every missing gun should be the focus of police attention as soon as practicable. This can be accomplished through effective and mandatory inventory controls by licensed firearms dealers.

§2. Subdivision n of section 10-302 of the administrative code of the city of New York is amended by adding new paragraphs (3) through (5), to read as follows:

(3) Any person licensed under this section as a dealer in firearms or special theatrical dealer shall cause a physical inventory to be taken within the first five business days of April and October of each year, which shall include a listing of each firearm by make, caliber and serial number. The original copy of such inventory shall be securely maintained on the premises for which the license was issued. One or more additional copies shall be forwarded to such addresses as the commissioner may direct, by such means as the

commissioner may direct.

(4) With each copy of the inventory required under paragraph three of this subdivision shall be included an affidavit signed by the licensee (or, if the licensee is not a natural person, by an officer, general manager, or other principal of the licensee) stating under penalties of perjury that within the first five business days of that April or October, as the case may be, the signer has personally observed the firearms reported. The affidavit shall also describe the date and contents of any report required to be made pursuant to section 400.10 of the penal law.

(5) In addition to the penalties specified in section 10-310, any act or omission that constitutes a violation of this subdivision or of rules and regulations issued by the commissioner pursuant thereto shall be grounds for the revocation of a license issued by the commissioner pursuant to this section.

§3. Paragraph (1) of subdivision o of section 10-302 of the administrative code of the city of New York is amended to read as follows:

(1) The police commissioner may make and promulgate such rules and regulations regarding the issuance and renewal of such licenses and the reporting of inventory of firearms, loss of firearms, and theft of firearms and may prescribe such forms as are necessary to carry out the provisions of this section.

§4. Severability. If any provision of this local law is for any reason found to be invalid, in whole or in part, by any court of competent jurisdiction, such finding shall not affect the validity of all remaining portions of this local law, which shall continue in full force and effect.

§5. This local law shall take effect 120 days after its enactment into law, provided that, prior to such effective date, the police commissioner shall promulgate such rules and take such other actions as are necessary to its timely implementation.