



2018 New York State YMCA

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Committee Assignment: Assembly Freedom 2

Bill #: AF-10

1 **Sponsors:** Armand Chancellor, Casey Kriss

2

3 **An Act To**

4 Amend § 400.00 subdivision 1 of the New York State Tax Law to place a tax on
5 guns that do not have smart technology.

6

7 *The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

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9 **Purpose**

10 To mandate a tax on New York State guns that do not have smart technology.

11 **Summary of Provisions**

12 **Section 1: Definitions**

13 **Sin Tax:** a tax on items considered undesirable or harmful, such as alcohol or
14 tobacco.

15 **Smart Tech:** a monitoring system including computer hard disk drives (HDDs) and
16 solid-state drives (SSDs) that detects and reports on various indicators of drive
17 reliability, with the intent of enabling the anticipation of hardware failures.

18 **Smart Guns:** a smart gun, or personalized gun, is a firearm that includes a safety
19 feature or features that allow it to fire only when activated by an authorized user.
20 These safety features can prevent misuse, accidental shootings, gun thefts, use of
21 the weapon against the owner, and self-harm.

22 **Section 2:**

23 § 400.00 Licenses to carry, possess, repair and dispose of firearms. Eligibility

24 1.) No license shall be issued or renewed except for an applicant (a) twenty-one
25 years of age or older, provided, however, that where such applicant has been

26 honorably discharged from the United States army, navy, marine corps, air force
27 or coast guard, or the national guard of the state of New York, no such

28 age restriction shall apply; (b) of good moral character; (c) who has not been
29 convicted anywhere of a felony or a serious offense; (d) who is not a

30 fugitive from justice; (e) who is not an unlawful user of or addicted to

31 any controlled substance as defined in section 21 U.S.C. 802; (f) who being an
32 alien (i) is not illegally or unlawfully in the United States or (ii) has not been

33 admitted to the United States under a nonimmigrant visa

34 subject to the exception in 18 U.S.C. 922 (y) (2); (g) who has not been discharged
35 from the Armed Forces under dishonorable conditions; (h) who, having been a

36 citizen of the United States, has not renounced his or her citizenship; (i) who has
37 stated whether he or she has ever suffered any mental illness; (j)

38 who has not been involuntarily committed to a facility under the jurisdiction of an
39 office of the department of mental hygiene pursuant to article nine or fifteen of

40 the mental hygiene law, article seven hundred thirty or section 330.20 of the
41 criminal procedure law, section four hundred two or five hundred eight of the

42 correction law, section 322.2 or 353.4 of the family court act, or has not

43 been civilly confined in a secure treatment facility pursuant to article ten of the
44 mental hygiene law; (k) who has not had a license revoked or who is not under a

45 suspension or ineligibility order issued pursuant to the provisions of section

46 530.14 of the criminal procedure law or section eight hundred forty-two-a of the
47 family court act; (l) in the county of Westchester, who has successfully completed a
48 firearms safety course and test as evidenced by a certificate of completion issued
49 in his or her name and endorsed and affirmed under the penalties of perjury by a
50 duly authorized instructor, except that: (i) persons who are honorably discharged
51 from the United States army, navy, marine corps or coast guard, or of the national
52 guard of the state of New York, and produce evidence of official qualification in
53 firearms during the term of service are not required to have completed those hours
54 of a firearms safety course pertaining to the safe use, carrying,
55 possession, maintenance and storage of a firearm; and (ii) persons who were
56 licensed to possess a pistol or revolver prior to the effective date of this paragraph
57 are not required to have completed a firearms safety course and test; (m) who
58 has not had a guardian appointed for him or her pursuant to any provision of state
59 law, based on a determination that as a result of marked subnormal intelligence,
60 mental illness, incapacity, condition or disease, he or she lacks the mental capacity
61 to contract or manage his or her own affairs; and (n) concerning whom no good
62 cause exists for the denial of the license. No person shall engage in the business of
63 gunsmith or dealer in firearms unless licensed pursuant to this section. An applicant
64 to engage in such business shall also be a citizen of the United States, more than
65 twenty-one years of age and maintain a place of business in the city or county
66 where the license is issued. For such business, if the applicant is a firm or
67 partnership, each member thereof shall comply with all of the requirements set
68 forth in this subdivision and if the applicant is a corporation, each officer thereof
69 shall so comply. A tax equal to the price of smart gun technology at that time is
70 paid or smart technology is purchased for the weapon.

71 **Justification**

72 On average, thirteen kids are killed or injured each day by accidental gun
73 shootings. Smart gun technology would prevent this by letting the owner authorize
74 fingerprints of people they want to use their guns. The authorization of fingerprints
75 would also help decrease cases of gun theft and usage of stolen firearms that have
76 been seen to escalate in recent years. However, this bill will not only increase the
77 distribution of life saving technology, but will also tax guns that don't have smart
78 gun enhancements. In addition, the tax will be equivalent to the price of said smart
79 guns. As a state, it is time we make the decision to save lives, and this bill will do
80 just that.

81 **Fiscal Implications**

82 The tax will be equivalent to the existing price of smart gun technology. New York
83 State will receive the monetary benefits of this tax unless the firearm possesses
84 smart gun technology. In this case, the tax will be waived. The current cost of
85 smart technology per firearm is one thousand eight hundred dollars.

86 **Effective Date**

87 This bill will go into effect four years after its passage.