



New York State YMCA
Youth And Government

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Committee Assignment: Senate Liberty 3

Bill #:SL-20

Sponsors: Paola Magana, Elma Mrkulic, Tamar Brumberg, Hannah O'rourke

An Act To Amend §400.00 of New York State Consolidated Penal Law to ban the distribution of firearms in businesses other than gun stores.

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

Purpose The purpose of this bill is to ban the sale of firearms in family-oriented sport stores.

Summary of Provisions

Section 1 Definitions:

Gun Store: any store that makes the majority of their profits from the sale of firearms and ammunition.

Section 2

2. Types of licenses. A license for gunsmith or dealer in firearms shall be issued to engage in such business. A license for a pistol or revolver, other than an assault weapon or a disguised gun, shall be issued to (a) have and possess in his dwelling by a householder; (b) have and possess in his place of business by a merchant or storekeeper; (c) have and carry concealed while so employed by a messenger employed by a banking institution or express company; (d) have and carry concealed by a justice of the supreme court in the first or second judicial departments, or by a judge of the New York city civil court or the New York city criminal court; (e) have and carry concealed while so employed by a regular employee of an institution of the state, or of any county, city, town or village, under control of a commissioner of correction of the city or any warden, superintendent or head keeper of any state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, provided that application is made therefor by such commissioner, warden, superintendent or head keeper; (f) have and carry concealed, without regard to employment or place of possession, by any person when proper cause exists for the issuance thereof; and (g) have, possess, collect and carry antique pistols which are defined as follows: (i) any single shot, muzzle loading pistol with a matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before 1898, which is not designed for using rimfire or



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conventional centerfire fixed ammunition; and (ii) any replica of any pistol

described in clause (i) hereof if such replica--

(1) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

(2) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

2-b. No license shall be provided to businesses that are not classified as "Gun Stores"

(1) Current businesses would have to reapply for a license within a year and demonstrate proof that more than half their profits come from the sale of firearms and/or ammunition

(2) New businesses wishing to apply and meet the previous criteria will be granted a license for a year and then must reapply and demonstrate proof that more than half their profits came from the sale of firearms and/or ammunition.

Justification A step towards the regulation of firearms in society is a step towards ensuring the safety of the people of New York. The need to remove firearms from businesses other than gun stores keeps children from being in any environment containing firearms. Areas in which guns are more common face more gun-related tragedies. By making firearms less accessible, we keep them out of the public eye and solely in gun stores for hunters and other people who prefer to purchase firearms.

Fiscal Implications Removing the sale of firearms could potentially lead to a loss in revenue for sport stores. However, due to the recent rise of gun control support, stores that have minimized their sale of firearms have experienced an increase in profits.

Environmental Implications For upstate towns where hunting is more common, wildlife may increase because the sale of firearms would be less accessible. However, hunters would still be able to buy their firearms at stores that sell solely firearms.

Effective Date This bill will go into effect 2 years after passage.