

**HOME RULE REQUEST RESOLUTION NO. \_\_\_\_ - 2023**

**RESOLVED**, that the Westchester County Board of Legislators approves the making of a Home Rule Request in the following format:

*To the Legislature:*

Pursuant to Article IX of the Constitution, the County of Westchester requests the enactment of Senate Bill No. S4879 / Assembly Bill No. A5092 entitled "AN ACT to amend the penal law, in relation to fees charged for a license to carry or possess a pistol or revolver in the County of Westchester"

A necessity exists for the enactment of this legislation because the local government does not have the power to enact such legislation by local law.

Dated: *May 15,* 2023  
White Plains, New York

*[Signature]*

*Walter Barr*

*Cobi C. M.*

*Jedat Padi*

*Benjamin Bayten*

COMMITTEE ON Legislation

Dated: May 15, 2023  
White Plains, New York

A handwritten signature in black ink, appearing to read "Chapman".

**COMMITTEE ON**

**Legislation**

# STATE OF NEW YORK

5092

2023-2024 Regular Sessions

## IN ASSEMBLY

March 2, 2023

Introduced by M. of A. OTIS -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to fees charged for a license to carry or possess a pistol or revolver in the county of Westchester

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

1 Section 1. Subdivision 14 of section 400.00 of the penal law, as  
2 amended by chapter 212 of the laws of 2022, is amended to read as  
3 follows:

4 14. Fees. In the city of New York and the [~~county~~] counties of Nassau  
5 and Westchester, the annual license fee shall be twenty-five dollars for  
6 gunsmiths and fifty dollars for dealers in firearms. In such city, the  
7 city council and in the [~~county~~] counties of Nassau and Westchester the  
8 [~~Board of Supervisors~~] legislative body of such county shall fix the fee  
9 to be charged for a license to carry or possess a pistol or revolver or  
10 to purchase or take possession of a semiautomatic rifle and provide for  
11 the disposition of such fees. Elsewhere in the state, the licensing  
12 officer shall collect and pay into the county treasury the following  
13 fees: for each license to carry or possess a pistol or revolver or to  
14 purchase or take possession of a semiautomatic rifle, not less than  
15 three dollars nor more than ten dollars as may be determined by the  
16 legislative body of the county; for each amendment thereto, three  
17 dollars, and five dollars in the county of Suffolk; and for each license  
18 issued to a gunsmith or dealer in firearms, ten dollars. The fee for a  
19 duplicate license shall be five dollars. The fee for processing a  
20 license transfer between counties shall be five dollars. The fee for  
21 processing a license or renewal thereof for a qualified retired police  
22 officer as defined under subdivision thirty-four of section 1.20 of the  
23 criminal procedure law, or a qualified retired sheriff, undersheriff, or  
24 deputy sheriff of the city of New York as defined under subdivision two  
25 of section 2.10 of the criminal procedure law, or a qualified retired

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD04716-01-3

1 bridge and tunnel officer, sergeant or lieutenant of the triborough  
2 bridge and tunnel authority as defined under subdivision twenty of  
3 section 2.10 of the criminal procedure law, or a qualified retired  
4 uniformed court officer in the unified court system, or a qualified  
5 retired court clerk in the unified court system in the first and second  
6 judicial departments, as defined in paragraphs a and b of subdivision  
7 twenty-one of section 2.10 of the criminal procedure law or a retired  
8 correction officer as defined in subdivision twenty-five of section 2.10  
9 of the criminal procedure law shall be waived in all counties throughout  
10 the state.

11 § 2. This act shall take effect immediately.

# STATE OF NEW YORK

4879

2023-2024 Regular Sessions

## IN SENATE

February 16, 2023

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to fees charged for a license to carry or possess a pistol or revolver in the county of Westchester

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

1 Section 1. Subdivision 14 of section 400.00 of the penal law, as  
2 amended by chapter 212 of the laws of 2022, is amended to read as  
3 follows:

4 14. Fees. In the city of New York and the ~~(county)~~ counties of Nassau  
5 ~~and Westchester~~, the annual license fee shall be twenty-five dollars for  
6 gunsmiths and fifty dollars for dealers in firearms. In such city, the  
7 city council and in the ~~(county)~~ counties of Nassau ~~and Westchester~~ the  
8 ~~[Board of Supervisors]~~ legislative body of such county shall fix the fee  
9 to be charged for a license to carry or possess a pistol or revolver or  
10 to purchase or take possession of a semiautomatic rifle and provide for  
11 the disposition of such fees. Elsewhere in the state, the licensing  
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6 judicial departments, as defined in paragraphs a and b of subdivision  
7 twenty-one of section 2.10 of the criminal procedure law or a retired  
8 correction officer as defined in subdivision twenty-five of section 2.10  
9 of the criminal procedure law shall be waived in all counties throughout  
10 the state.

11 § 2. This act shall take effect immediately.



**A05092 Memo:**

**NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(f)**

**BILL NUMBER:** A5092

**SPONSOR:** Otis

**TITLE OF BILL:**

An act to amend the penal law, in relation to fees charged for a license to carry or possess a pistol or revolver in the county of Westchester.

**PURPOSE OR GENERAL IDEA OF BILL:**

To allow the Board of Legislators of Westchester County to fix the fee to be charged for a license to carry or possess a pistol or revolver and provide for the disposition of such fees.

**SUMMARY OF PROVISIONS:**

Section 1 amends subdivision 14 of section 400.00 of the penal law, as amended by chapter 212 of the laws of 2022, to allow the Board of Legislators of Westchester County to fix the fee to be charged for a license to carry or possess a pistol or revolver and provide for the disposition of such fees.

Section 2 establishes that this act shall take effect immediately.

**DIFFERENCE BETWEEN ORIGINAL AND AMENDED VERSION (IF APPLICABLE) :**

n/a

**JUSTIFICATION:**

The fees charged by Westchester County for new pistol licenses and amendments are currently capped by New York State Penal Law. These fees have not increased in decades and are far below the cost incurred by the county during this process. Pistol license applications are currently capped at ten dollars, while the cost to the county is significantly higher and continues to go up. Although Westchester is obligated to abide by the New York State cap, comparable counties, such as Nassau County, charge fees in line with the cost of providing the service. This legislation would allow Westchester County to determine and fix pistol license fees that are commensurate with the actual cost of providing the service.

**PRIOR LEGISLATIVE HISTORY:**

2021-2022: S6659/A7939, passed Senate; referred to Rules in Assembly

**FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:**

None to the state.

**EFFECTIVE DATE:**

This act shall take effect immediately.