

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1998**

No. 21

Introduced by Council Members Leffler, The Speaker (Council Member Vallone), Fusco, Duane, Lasher, Michels, Miller, Watkins, Eisland, Linares, White, Eristoff, Weiner, Provenzano, Golden, Fisher, Marshall, Povman and Fiala; also Council Members McCaffrey, O'Donovan, Robles and Warden.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to prohibiting the sale of a pistol or revolver without a safety locking device.

Be it enacted by the Council as follows:

Section one. Chapter three of title ten of the administrative code of the city of New York is amended to add a new section 10-311 to read as follows:

§ 10-311 Sale of pistols or revolvers without safety locking device prohibited.

a. It shall be unlawful for any person or business enterprise to dispose of any pistol or revolver which does not contain a safety locking device. For the purposes of this section, a safety locking device shall mean a design adaptation or attachable accessory that will prevent the use of the weapon by an unauthorized user, and includes, but is not limited to, a trigger lock, which prevents the pulling of the trigger without the use of a key, or a combination handle, which prevents the use of the weapon without the alignment of the combination tumblers.

b. It shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver or transfer any pistol or revolver in the city of New York unless it is accompanied by the following warning, which shall appear in conspicuous and legible type in capital letters, and which shall be printed on a label affixed to the gun and on a separate sheet of paper included within the packaging enclosing the handgun:

"THE USE OF A LOCKING DEVICE OR SAFETY LOCK IS ONLY ONE ASPECT OF RESPONSIBLE FIREARM STORAGE. FIREARMS SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR AMMUNITION AND INACCESSIBLE TO CHILDREN AND ANY OTHER UNAUTHORIZED PERSONS."

c. The police commissioner is authorized to promulgate rules setting forth the types of safety locking devices which will comply with this section in accordance with subdivision a of this section. The police commissioner shall provide written notice of the requirements of this section to all persons who receive an official authorization to purchase a pistol or revolver, including any rules promulgated under this subdivision. All persons applying for a permit or applying for the renewal of a permit pursuant to chapter three of title ten of this code, shall receive from the commissioner information concerning the importance of using a safety locking device while a weapon is not in use, and a warning that firearms should be stored unloaded and locked in a location that is both separate from their ammunition and inaccessible to their children and any other unauthorized persons.

d. Any violation of this section or any rule promulgated hereunder shall be triable by a judge of the criminal court of the city of New York and punishable by imprisonment of not more than thirty days or by a fine of not more than five hundred dollars, or both.

§ 2. This local law shall take effect 180 days after its enactment.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on April 28, 1998, and approved by the Mayor on May 18, 1998.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 21 of 1998, Council Int. No. 69-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on April 28, 1998: 46 FOR, 0 AGAINST.

Was signed by the Mayor on May 18, 1998.

Was returned to the City Clerk on May 20, 1998.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel