



County of Nassau Inter-Departmental Memo

To: Clerk of the County Legislature
From: County Attorney
Date: 9/22/2008
Subject: LOCAL LAW - ORIG. DEPT. – Police

A LOCAL LAW to amend Title 69 of the Miscellaneous Laws of Nassau County with regard to deceptively colored handguns.

The above-described document attached hereto is forwarded for your review and approval and subsequent transmittal to the County Legislature for inclusion upon their calendar.

LORNA GOODMAN
County Attorney

By: Lisa B. Ross
Deputy County Attorney
Legal Counsel Bureau

Attachments

Submitted by the County Executive and Introduced by

LOCAL LAW NO. 9 - 2008

A Local Law to amend Title 69 of the Miscellaneous Laws of Nassau County in relation to deceptively colored handguns

WHEREAS, the County enacted a local law prohibiting deceptively colored handguns with the intent of prohibiting handguns that could be mistaken for toys; and

WHEREAS, the County has been made aware that there are certain types of handguns currently prohibited by the law which are unlikely to be mistaken for toys, and which therefore should be permitted, now, therefore,

BE IT ENACTED by the Nassau County Legislature as follows:

Section 1. Subdivision (b) of Section 3 of Title 69 of the Miscellaneous Laws of Nassau County is amended as follows:

b) The term “deceptively colored handgun” shall include any handgun which has a substantial portion of its exterior surface colored any color other than black, brown, grey, silver, steel, nickel or army green. A substantial portion of the exterior surface of a handgun shall be considered to be colored any color other than black, brown, grey, silver, steel, nickel, or army green if such other color is used either alone or as the predominant color in combination with other colors in any pattern; provided, however, that a handgun shall not be deemed to be a deceptively colored handgun merely because (1) a substantial portion of the exterior surface is plated with gold; or (2) a substantial portion of the

exterior surface is a shade of blue resulting from the process of “bluing,” designed to provide limited resistance to rust and corrosion; or (3) its handle is composed of ivory, colored so as to appear to be composed of ivory, composed of wood, or colored so as to appear to be composed of wood.

§ 2. A new subdivision (c) is added to section 6 of such law to read as follows:

(c) This title shall not prohibit possession of any handgun which falls within the definition of “antique firearm” in New York State Penal Law Section 265.00, as such provision may be amended or modified from time to time.

§ 3. Section 7 of such law is amended as follows:

§ 7. Enforcement. The Commissioner of Police may make and promulgate rules and regulations consistent with the provisions of this title.

§ 4. This local law shall be effective immediately.

Submitted by the County Executive and Introduced by

PROPOSED LOCAL LAW NO. – 2008

A Local Law to amend Title 69 of the Miscellaneous Laws of Nassau County in relation to deceptively colored handguns

WHEREAS, the County enacted a local law prohibiting deceptively colored handguns with the intent of prohibiting handguns that could be mistaken for toys; and

WHEREAS, the County has been made aware that there are certain types of handguns currently prohibited by the law which are unlikely to be mistaken for toys, and which therefore should be permitted, now, therefore,

BE IT ENACTED by the Nassau County Legislature as follows:

Section 1. Subdivision (b) of Section 3 of Title 69 of the Miscellaneous Laws of Nassau County is amended as follows:

b) The term “deceptively colored handgun” shall include any handgun which has a substantial portion of its exterior surface [that is plated with gold or] colored any color other than black, brown, grey, silver, steel, nickel or army green. A substantial portion of the exterior surface of a handgun shall be considered to be colored any color other than black, brown, grey, silver, steel, nickel, or army green if such other color is used either alone or as the predominant color in combination with other colors in any pattern; provided, however, that a handgun shall not be deemed to be a deceptively colored handgun merely because (1) a substantial portion of the exterior surface is plated with

gold; or (2) a substantial portion of the exterior surface is a shade of blue resulting from the process of “bluing,” designed to provide limited resistance to rust and corrosion; or (3) its handle is [plated with gold or] composed of ivory, colored so as to appear to be composed of ivory, composed of wood, or colored so as to appear to be composed of wood.

§ 2. A new subdivision (c) is added to section 6 of such law to read as follows:

(c) This title shall not prohibit possession of any handgun which falls within the definition of “antique firearm” in New York State Penal Law Section 265.00 as such provision may be amended or modified from time to time.

§ 3. Section 7 of such law is amended as follows:

§ 7. Enforcement. The Commissioner of Police may make and promulgate [such] rules and regulations [as are necessary to carry out] consistent with the provisions of this title.

§ 4. This local law shall be effective immediately.