

574

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sens. KLEIN, KRUEGER, MONTGOMERY -- 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 prohibiting the possession of guns in or upon the grounds of buildings that serve alcoholic beverages

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 265.01 of the penal law is amended by adding a new  
2     subdivision 3-a to read as follows:

3     (3-A) HE OR SHE KNOWINGLY HAS IN HIS OR HER POSSESSION A RIFLE, SHOT-  
4     GUN OR FIREARM IN OR UPON THE PREMISES OF AN ESTABLISHMENT FOR WHICH A  
5     LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION  
6     HAS BEEN ISSUED PURSUANT TO THE ALCOHOLIC BEVERAGE CONTROL LAW.

7     S 2. Section 265.20 of the penal law is amended by adding a new subdi-  
8     vision e to read as follows:

9     E. THE PROVISIONS OF SUBDIVISION THREE-A OF SECTION 265.01 OF THIS  
10    ARTICLE SHALL NOT APPLY TO:

11    (1) A PERSON WHO IS AN OWNER OR EMPLOYEE OF THE LICENSED PREMISES FOR  
12    THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION WHO HAS THE  
13    RESPONSIBILITY OF PROTECTING SUCH ESTABLISHMENT AND ITS PATRONS; OR

14    (2) A CLUB MEMBER OF A CLUB AS DEFINED IN SUBDIVISION NINE OF SECTION  
15    THREE OF THE ALCOHOLIC BEVERAGE CONTROL LAW, WHO IS LOCATED ON SUCH  
16    PREMISES OR PORTION OF SUCH PREMISES THAT IS USED EXCLUSIVELY BY SUCH  
17    MEMBERS FOR ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES INCLUDING THE  
18    EXTERIOR GROUNDS OF ANY GOLF COURSE OR OUTDOOR RECREATION AREA AFFIL-  
19    IATED WITH SUCH CLUB.

20    S 3. This act shall take effect on the first of November next succeed-  
21    ing the date on which it shall have become a law.

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

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