

4226

2015-2016 Regular Sessions

I N S E N A T E

March 11, 2015

Introduced by Sen. MARCHIONE -- 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 sale of ammunition; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Section 400.03 of the penal law is REPEALED.
2 S 2. Subdivision 24 of section 265.00 of the penal law is REPEALED.
3 S 3. Paragraph (a) of subdivision 1 of section 400.10 of the penal
4 law, as amended by chapter 1 of the laws of 2013, is amended to read as
5 follows:
6 (a) Any owner or other person lawfully in possession of: (i) a
7 firearm, rifle or[,] shotgun who suffers the loss or theft of said weap-
8 on; (ii) ammunition as well as a firearm, rifle or shotgun who suffers
9 the loss or theft of such ammunition as well as a firearm, rifle or
10 shotgun; or (iii) ammunition and is a dealer in firearms [or seller of
11 ammunition] who suffers the loss or theft of such ammunition shall with-
12 in twenty-four hours of the discovery of the loss or theft report the
13 facts and circumstances of the loss or theft to a police department or
14 sheriff's office.
15 S 4. The penal law is amended by adding a new section 400.03 to read
16 as follows:
17 S 400.03 SALE OF AMMUNITION TO MINORS PROHIBITED.
18 SALE OF ANY AMMUNITION SHALL BE MADE ONLY TO AN INDIVIDUAL WHO DEMON-
19 STRATES, THROUGH (A) A VALID DRIVER'S LICENSE OR NON-DRIVER'S IDENTIFI-
20 CATION CARD ISSUED BY THE COMMISSIONER OF MOTOR VEHICLES, THE FEDERAL
21 GOVERNMENT, ANY UNITED STATES TERRITORY, COMMONWEALTH OR POSSESSION, THE
22 DISTRICT OF COLUMBIA, A STATE GOVERNMENT WITHIN THE UNITED STATES OR A
23 PROVINCIAL GOVERNMENT OF THE DOMINION OF CANADA, OR (B) A VALID PASSPORT
24 ISSUED BY THE UNITED STATES GOVERNMENT OR ANY OTHER COUNTRY, OR (C) AN

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

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1 IDENTIFICATION CARD ISSUED BY THE ARMED FORCES OF THE UNITED STATES,
2 INDICATING THAT THE INDIVIDUAL IS AT LEAST EIGHTEEN YEARS OF AGE.

3 S 5. Subdivision 3 of section 260.21 of the penal law, as added by
4 chapter 362 of the laws of 1992, is amended to read as follows:

5 3. He sells or causes to be sold tobacco in any form to a child less
6 than eighteen years old.

7 [It is no defense to a prosecution pursuant to subdivision three of
8 this section that the child acted as the agent or representative of
9 another person or that the defendant dealt with the child as such.]

10 S 6. Section 260.21 of the penal law is amended by adding a new subdi-
11 vision 4 to read as follows:

12 4. HE SELLS OR CAUSES TO BE SOLD AMMUNITION TO A CHILD LESS THAN EIGH-
13 TEEN YEARS OLD. IT IS NO DEFENSE TO A PROSECUTION PURSUANT TO THIS
14 SUBDIVISION OR SUBDIVISION THREE OF THIS SECTION THAT THE CHILD ACTED AS
15 THE AGENT OR REPRESENTATIVE OF ANOTHER PERSON OR THAT THE DEFENDANT
16 DEALT WITH THE CHILD AS SUCH.

17 S 7. This act shall take effect on the thirtieth day after it shall
18 have become a law.