

STATE OF NEW YORK

980

2017-2018 Regular Sessions

IN ASSEMBLY

January 10, 2017

Introduced by M. of A. PAULIN, ZEBROWSKI, MOSLEY, GOTTFRIED, MAGNARELLI, OTIS, QUART, KAVANAGH, WALKER, BRONSON, FAHY, STECK, BUCHWALD, SEAWRIGHT -- Multi-Sponsored by -- M. of A. GALEF, RICHARDSON, RIVERA, SIMON, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to orders to surrender eligible weapons

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

1 Section 1. Section 370.15 of the criminal procedure law is amended by
2 adding three new subdivisions 4, 5 and 6 to read as follows:

3 4. Upon judgment of conviction and determination of the defendant to
4 be related or situated to the victim as set forth in this section, the
5 court shall require the respondent to inform the court of all firearms,
6 rifles, shotguns, black powder rifles, black powder shotguns, muzzle-
7 loading firearms or antique firearms he or she owns or possesses. The
8 court shall order the immediate surrender pursuant to subparagraph (f)
9 of paragraph one of subdivision a of section 265.20 of the penal law and
10 subdivision six of section 400.05 of the penal law, of any or all
11 firearms, rifles, shotguns, black powder rifles, black powder shotguns,
12 muzzle-loading firearms or antique firearms owned or possessed by the
13 defendant.

14 5. The court ordering the surrender of any firearm, rifle, shotgun,
15 black powder rifle, black powder shotgun, muzzle-loading firearm or
16 antique firearm as provided in this section shall immediately notify the
17 duly constituted police authorities of the locality of such action and
18 the division of state police at its office in the city of Albany. The
19 court shall direct the authority receiving such surrendered firearms,
20 rifles, shotguns, black powder rifles, black powder shotguns, muzzle-
21 loading firearms or antique firearms to immediately notify the court of
22 such surrender.

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

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1 6. (a) The disposition of any firearms, rifles, shotguns, black powder
2 rifles, black powder shotguns, muzzle-loading firearms or antique
3 firearms surrendered pursuant to this section shall be in accordance
4 with the provisions of subdivision six of section 400.05 of the penal
5 law.

6 (b) The provisions of this section shall not be deemed to limit,
7 restrict or otherwise impair the authority of the court to order and
8 direct the surrender of any or all firearms, rifles, shotguns, black
9 powder rifles, black powder shotguns, muzzle-loading firearms, or
10 antique firearms owned or possessed by a defendant pursuant to any other
11 provision of law.

12 § 2. This act shall take effect immediately and shall apply to
13 convictions on or after such effective date as well as to charges for
14 such offenses pending on such effective date for which sentence has not
15 yet been imposed.