

STATE OF NEW YORK

9943

IN ASSEMBLY

April 19, 2022

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the possession of a rifle, shotgun, or other long gun by a person convicted of a felony or serious offense; 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. Subdivisions 3 and 4 of section 265.01 of the penal law are
2 REPEALED.

3 § 2. Subdivision 10 of section 265.02 of the penal law, as added by
4 chapter 1 of the laws of 2013, is amended and a new subdivision 11 is
5 added to read as follows:

6 (10) Such person possesses an unloaded firearm and also commits any
7 violent felony offense as defined in subdivision one of section 70.02 of
8 this chapter as part of the same criminal transaction~~[-]~~; or

9 (11) Such person possesses a rifle, shotgun, antique firearm, black
10 powder rifle, black powder shotgun, or any muzzle-loading firearm, and
11 has been convicted of a felony or serious offense.

12 § 3. Subdivision 3 of section 265.03 of the penal law, as amended by
13 chapter 745 of the laws of 2006, is amended and a new subdivision 4 is
14 added to read as follows:

15 (3) such person possesses any loaded firearm. Such possession shall
16 not, except as provided in subdivision one or seven of section 265.02 of
17 this article, constitute a violation of this subdivision if such
18 possession takes place in such person's home or place of business~~[-]~~; or

19 (4) such person possesses a loaded rifle, shotgun, antique firearm,
20 black powder rifle, black powder shotgun, or any muzzle-loading firearm,
21 and has been convicted of a felony or serious offense.

22 § 4. Paragraph 5 of subdivision a of section 265.20 of the penal law,
23 as amended by chapter 235 of laws of 2007, is amended to read as
24 follows:

25 5. Possession of a rifle or shotgun by a person other than a person
26 who has been convicted of a class A-I felony or a violent felony

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

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1 offense, as defined in subdivision one of section 70.02 of this chapter,
2 who has been convicted as specified in [~~subdivision four of section~~
3 ~~265.01~~] subdivision eleven of section 265.02 and subdivision four of
4 section 265.03 of this article to whom a certificate of good conduct has
5 been issued pursuant to section seven hundred three-b of the correction
6 law.
7 § 5. This act shall take effect on the thirtieth day after it shall
8 have become a law.