S T A T E   O F   N E W   Y O R K
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1326--A

Cal. No. 118

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009
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Introduced by M. of A. ENGLEBRIGHT, LENTOL, ORTIZ, KOON, ESPAILLAT,
  KAVANAGH, SCHIMEL -- Multi-Sponsored by -- M. of A. COLTON, CYMBROW-
  ITZ, GALEF, JOHN, MAYERSOHN, MILLMAN, PHEFFER, TOWNS -- read once and
  referred to the Committee on Codes -- reported from committee,
  advanced to a third reading, amended and ordered reprinted, retaining
  its place on the order of third reading

AN ACT to amend the penal law, in relation to the sale of child operated
  firearms

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

 1   Section 1. The penal law is amended by adding a new section 265.18 to
 2 read as follows:
 3 S 265.18 SALE OF CHILD OPERATED FIREARMS; CHILDPROOFING.
 4   1. NO PERSON, FIRM, LIMITED LIABILITY COMPANY OR CORPORATION ENGAGED
 5 IN THE RETAIL BUSINESS OF SELLING RIFLES, SHOTGUNS OR FIREARMS SHALL
 6 SELL, DELIVER OR TRANSFER ANY CHILD OPERATED FIREARM TO ANOTHER PERSON.
 7   2. FOR PURPOSES OF THIS SECTION, "CHILD OPERATED FIREARM" MEANS A
 8 PISTOL OR REVOLVER MANUFACTURED TWELVE MONTHS OR MORE AFTER THE EFFEC-
 9 TIVE DATE OF THIS SECTION WHICH DOES NOT CONTAIN A CHILDPROOFING DEVICE
10 OR MECHANISM INCORPORATED INTO THE DESIGN OF SUCH PISTOL OR REVOLVER TO
11 EFFECTIVELY PRECLUDE AN AVERAGE FIVE YEAR OLD CHILD FROM OPERATING THE
12 PISTOL OR REVOLVER.
13   3. THE SUPERINTENDENT OF THE STATE POLICE SHALL, IN CONSULTATION WITH
14 SUCH GUN MANUFACTURERS AS SUCH SUPERINTENDENT DEEMS APPROPRIATE, ADOPT
15 RULES AND REGULATIONS ESTABLISHING MINIMUM STANDARDS FOR CHILDPROOFING
16 DEVICES OR MECHANISMS TO ENSURE THAT SUCH CHILDPROOFING DEVICES OR MECH-
17 ANISMS ARE SAFE AND EFFECTIVE.
18   4. ANY PERSON, FIRM OR CORPORATION WHO VIOLATES THE PROVISIONS OF THIS
19 SECTION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.
20   S 2. 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.
                                                          LBD02037-02-0