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

1539

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the penal law, in relation to requiring a police officer or peace officer to report the discharge of his or her weapon to the law enforcement agency employing such officer

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

Section 1. The penal law is amended by adding a new section 265.21 to read as follows:

S 265.21 DISCHARGE OF WEAPON TO BE REPORTED; POLICE OFFICERS AND PEACE OFFICERS.

A. THE TIME, DATE AND PURPOSE OF EACH DISCHARGE OF A RIFLE, SHOTGUN, PISTOL, REVOLVER OR MACHINE-GUN BY A POLICE OFFICER OR PEACE OFFICER SHALL BE IMMEDIATELY REPORTED TO THE LAW ENFORCEMENT AGENCY EMPLOYING SUCH OFFICER, REGARDLESS OF WHETHER THE POLICE OFFICER OR PEACE OFFICER WAS ON OR OFF DUTY AT THE TIME OF SUCH DISCHARGE OF A WEAPON.

B. THE REQUIREMENTS OF SUBDIVISION A OF THIS SECTION SHALL NOT APPLY TO ANY DISCHARGE OF A WEAPON AT AN INDOOR OR OUTDOOR SHOOTING RANGE FOR THE PURPOSE OF PROFICIENCY, TARGET SHOOTING OR FIREARMS COMPETITION, OR TO ANY DISCHARGE OF A WEAPON FOR THE PURPOSE OF HUNTING PURSUANT TO TITLE NINE OF ARTICLE ELEVEN OF THE ENVIRONMENTAL CONSERVATION LAW.

C. THE FAILURE TO REPORT PURSUANT TO SUBDIVISION A OF THIS SECTION IS A CLASS A MISDEMEANOR.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

LBD03996-01-9