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

5272

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

Introduced by M. of A. ESPAILLAT, PERALTA -- Multi-Sponsored by -- M. of A. BOYLAND, DIAZ, ROBINSON, WRIGHT -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to prohibiting the attendance of children at gun shows or stores

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

Section 1. Section 260.21 of the penal law, as added by chapter 362 of the laws of 1992, the opening paragraph of subdivision 1 as amended by chapter 478 of the laws of 1996, is amended to read as follows:

S 260.21 Unlawfully dealing with a child in the second degree.

A person is guilty of unlawfully dealing with a child in the second degree when:

1. Being an owner, lessee, manager or employee of a place where alcoholic beverages are sold or given away, he OR SHE permits a child less than sixteen years old to enter or remain in such place unless:

(a) The child is accompanied by his OR HER parent, guardian or an adult authorized by a parent or guardian; or

(b) The entertainment or activity is being conducted for the benefit or under the auspices of a non-profit school, church or other educational or religious institution; or

(c) Otherwise permitted by law to do so; or

(d) The establishment is closed to the public for a specified period of time to conduct an activity or entertainment, during which the child is in or remains in such establishment, and no alcoholic beverages are sold, served, given away or consumed at such establishment during such period. The state liquor authority shall be notified in writing by the licensee of such establishment, of the intended closing of such establishment, to conduct any such activity or entertainment, not less than ten days prior to any such closing; or

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

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2. He OR SHE marks the body of a child less than eighteen years old with indelible ink or pigments by means of tattooing; [or]

3. He OR SHE sells or causes to be sold tobacco in any form to a child less than eighteen years old[.];

4. BEING AN OWNER, LESSEE, MANAGER, OR EMPLOYEE OF A PLACE WHERE A GUN SHOW IS HELD, HE OR SHE PERMITS A CHILD LESS THAN EIGHTEEN YEARS OLD TO ENTER OR REMAIN IN SUCH PLACE. FOR PURPOSES OF THIS SUBDIVISION, "GUN SHOW" MEANS ANY EVENT AT WHICH TWENTY OR MORE GUNS ARE OFFERED OR EXHIBITED FOR SALE, TRANSFER, OR EXCHANGE AND AT WHICH THREE OR MORE PERSONS ARE EACH OFFERING OR EXHIBITING ONE OR MORE GUNS FOR SALE, TRANSFER, OR EXCHANGE; OR

5. BEING AN OWNER, LESSEE, MANAGER, OR EMPLOYEE OF A GUN STORE, HE OR SHE PERMITS A CHILD LESS THAN EIGHTEEN YEARS OLD TO ENTER OR REMAIN IN SUCH PLACE. FOR PURPOSES OF THIS SUBDIVISION, "GUN STORE" MEANS ANY ESTABLISHMENT PRINCIPALLY ENGAGED IN THE SALE AT RETAIL OF FIREARMS, SHOTGUNS, OR RIFLES OR ANY COMBINATION THEREOF.

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

Unlawfully dealing with a child in the second degree is a class B misdemeanor.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.