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

7237

2009-2010 Regular Sessions

I N A S S E M B L Y

March 26, 2009

Introduced by M. of A. FINCH, ERRIGO, KOLB, WALKER, McDONOUGH, BURLING -- Multi-Sponsored by -- M. of A. CALHOUN, HAWLEY -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to unlawful possession of a weapon upon school grounds

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

Section 1. Section 265.06 of the penal law, as added by chapter 268 of the laws of 1994, is amended to read as follows:

S 265.06 Unlawful possession of a weapon upon school grounds.

It shall be unlawful for any person [age sixteen or older] to knowingly possess [any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge] in or upon a building [or], grounds OR VEHICLE, used for educational purposes, of any school, college or university[, without the written authorization of such educational institution]:

(1) ANY AIR-GUN, SPRING-GUN OR OTHER INSTRUMENT OR WEAPON IN WHICH THE PROPELLING FORCE IS A SPRING, AIR, PISTON OR CARBON DIOXIDE CARTRIDGE; OR

(2) ANY DAGGER, DANGEROUS KNIFE, DIRK, RAZOR, STILETTO, IMITATION PISTOL OR ANY OTHER DANGEROUS OR DEADLY INSTRUMENT OR WEAPON; OR

(3) ANY OTHER ITEM CAPABLE OF SUCH USE AS MAY ENDANGER THE SAFETY OR SECURITY OF THE EDUCATIONAL INSTITUTION OR ANY PERSON THEREIN.

HOWEVER, IT SHALL BE AN AFFIRMATIVE DEFENSE TO ANY SUCH CHARGE THAT THE PERSON SO CHARGED WAS GIVEN PRIOR WRITTEN AUTHORIZATION BY SUCH EDUCATIONAL INSTITUTION TO POSSESS SUCH ITEM IN OR UPON SUCH BUILDING, GROUNDS OR VEHICLE.

Unlawful possession of a weapon upon school grounds is a [violation] CLASS A 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.

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

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