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

2826--A

2009-2010 Regular Sessions

I N S E N A T E

March 4, 2009

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to failure to report a lost or stolen firearm

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 three new sections 265.21, 265.22 and 265.23 to read as follows:

S 265.21 FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR SHOTGUN IN THE THIRD DEGREE.

A PERSON IS GUILTY OF FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR SHOTGUN IN THE THIRD DEGREE WHEN HE OR SHE INTENTIONALLY FAILS TO REPORT SUCH THEFT OR LOSS AS PRESCRIBED IN SECTION 400.10 OF THIS CHAPTER.

A PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL HAVE ANY LICENSE VALIDLY ISSUED, AS PROVIDED UNDER SECTION 400.00 OF THIS CHAPTER, SUSPENDED.

FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR SHOTGUN IN THE THIRD DEGREE IS A CLASS D FELONY.

S 265.22 FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR SHOTGUN IN THE SECOND DEGREE.

A PERSON IS GUILTY OF FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR SHOTGUN IN THE SECOND DEGREE WHEN HE OR SHE HAS PREVIOUSLY BEEN CONVICTED OF FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR SHOTGUN IN THE THIRD DEGREE AND HE OR SHE INTENTIONALLY FAILS TO REPORT SUCH THEFT OR LOSS AS PRESCRIBED IN SECTION 400.10 OF THIS CHAPTER.

A PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL HAVE ANY LICENSE VALIDLY ISSUED, AS PROVIDED UNDER SECTION 400.00 OF THIS CHAPTER, REVOKED.

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

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FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR SHOTGUN IN THE SECOND DEGREE IS A CLASS C FELONY.

S 265.23 FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR SHOTGUN IN THE FIRST DEGREE.

A PERSON IS GUILTY OF FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR SHOTGUN IN THE FIRST DEGREE WHEN HE OR SHE HAS PREVIOUSLY BEEN CONVICTED OF FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR SHOTGUN IN THE SECOND DEGREE AND HE OR SHE INTENTIONALLY FAILS TO REPORT SUCH THEFT OR LOSS AS PRESCRIBED IN SECTION 400.10 OF THIS CHAPTER.

FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR SHOTGUN IN THE FIRST DEGREE IS A CLASS B FELONY.

S 2. Subdivision 3 of section 400.00 of the penal law, is amended by adding a new paragraph (c) to read as follows:

(C) ALL APPLICATIONS AND RENEWALS OF A LICENSE TO CARRY OR POSSESS A FIREARM SHALL INCLUDE A PROVISION, TO BE APPROVED AS TO FORM BY THE SUPERINTENDENT OF STATE POLICE, DETAILING THE CRIMES PRESCRIBED IN SECTIONS 265.21, 265.22, AND 265.23 OF THIS CHAPTER.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.