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

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I N A S S E M B L Y

April 29, 2010

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

AN ACT to amend the penal law, in relation to firearms

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 two new sections 265.45 and 265.50 to read as follows:

S 265.45 AGGRAVATED SALE OF A FIREARM.

A PERSON IS GUILTY OF AGGRAVATED SALE OF A FIREARM WHEN SUCH PERSON KNOWINGLY AND UNLAWFULLY SELLS, EXCHANGES, GIVES OR DISPOSES OF A FIREARM TO A PERSON WHICH HE OR SHE KNOWS HAS BEEN:

1. USED IN THE COMMISSION OF A FELONY OFFENSE;

2. STOLEN FROM ITS LAWFUL OWNER; OR

3. DEFACED AS DEFINED BY SUBDIVISION SEVEN OF SECTION 265.00 OF THIS ARTICLE.

AGGRAVATED SALE OF A FIREARM IS A CLASS D FELONY.

S 265.50 AGGRAVATED SALE OF A FIREARM TO A MINOR.

A PERSON OVER THE AGE OF EIGHTEEN IS GUILTY OF AGGRAVATED SALE OF A FIREARM TO A MINOR WHEN SUCH PERSON KNOWINGLY AND UNLAWFULLY SELLS, EXCHANGES, GIVES OR DISPOSES OF A FIREARM TO A PERSON WHO IS, OR REASONABLY APPEARS TO BE LESS THAN EIGHTEEN YEARS OF AGE, WHICH HE OR SHE KNOWS HAS BEEN:

1. USED IN THE COMMISSION OF A FELONY OFFENSE;

2. STOLEN FROM ITS LAWFUL OWNER; OR

3. DEFACED AS DEFINED BY SUBDIVISION SEVEN OF SECTION 265.00 OF THIS ARTICLE.

AGGRAVATED SALE OF A FIREARM TO A MINOR IS A CLASS C FELONY.

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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