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

1326

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. ENGLEBRIGHT, LENTOL, ORTIZ, KOON, ESPAILLAT, KAVANAGH, SCHIMEL -- Multi-Sponsored by -- M. of A. COLTON, CYMBROWITZ, GALEF, JOHN, MAYERSOHN, MILLMAN, PHEFFER, TOWNS -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the sale of child operated 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 a new section 265.18 to read as follows:

S 265.18 SALE OF CHILD OPERATED FIREARMS; CHILDPROOFING.

1. NO PERSON, FIRM, LIMITED LIABILITY COMPANY OR CORPORATION ENGAGED IN THE RETAIL BUSINESS OF SELLING RIFLES, SHOTGUNS OR FIREARMS SHALL SELL, DELIVER OR TRANSFER ANY CHILD OPERATED FIREARM TO ANOTHER PERSON.

2. FOR PURPOSES OF THIS SECTION, "CHILD OPERATED FIREARM" MEANS A PISTOL OR REVOLVER MANUFACTURED TWELVE MONTHS OR MORE AFTER THE EFFECTIVE DATE OF THIS SECTION WHICH DOES NOT CONTAIN A CHILDPROOFING DEVICE OR MECHANISM INCORPORATED INTO THE DESIGN OF SUCH PISTOL OR REVOLVER TO EFFECTIVELY PRECLUDE AN AVERAGE FIVE YEAR OLD CHILD FROM OPERATING THE PISTOL OR REVOLVER. SUCH DEVICES OR MECHANISMS SHALL INCLUDE, BUT NOT BE LIMITED TO: THE CAPACITY TO ADJUST THE TRIGGER RESISTANCE TO AT LEAST A TEN POUND PULL, THE CAPACITY TO ALTER THE FIRING MECHANISM SO THAT AN AVERAGE FIVE YEAR OLD CHILD'S HANDS ARE TOO SMALL TO OPERATE THE PISTOL OR REVOLVER, OR THE CAPACITY TO REQUIRE A SERIES OF MULTIPLE MOTIONS IN ORDER TO FIRE THE PISTOL OR REVOLVER.

3. THE SUPERINTENDENT OF THE STATE POLICE SHALL, IN CONSULTATION WITH SUCH GUN MANUFACTURERS AS SUCH SUPERINTENDENT DEEMS APPROPRIATE, ADOPT RULES AND REGULATIONS ESTABLISHING MINIMUM STANDARDS FOR CHILDPROOFING DEVICES OR MECHANISMS TO ENSURE THAT SUCH CHILDPROOFING DEVICES OR MECHANISMS ARE SAFE AND EFFECTIVE.

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

4. ANY PERSON, FIRM OR CORPORATION WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE GUILTY OF A 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.