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

244

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. MAGNARELLI, BENJAMIN, GALEF, HOYT, KOON -- Multi-Sponsored by -- M. of A. EDDINGTON, ESPAILLAT, GLICK, HOOPER, McENENY, SCHIMMINGER, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law and the general business law, in relation to a prohibition against carrying loaded paint pellet guns in motor vehicles

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

Section 1. Section 265.35 of the penal law is amended by adding a new subdivision 4 to read as follows:

4. ANY PERSON WHO KNOWINGLY CARRIES A LOADED PAINT PELLET GUN IN OR ON A MOTOR VEHICLE SHALL BE GUILTY OF A VIOLATION.

FOR PURPOSES OF THIS SUBDIVISION, THE TERM "PAINT PELLET GUN" MEANS A GUN, AIR GUN, PISTOL, RIFLE, OR LIKE DEVICE IN APPEARANCE OR FUNCTION, CAPABLE OF AND DESIGNED FOR DISCHARGING AND PROPELLING THROUGH THE AIR TO A TARGET A SMALL QUANTITY OF PAINT ENCLOSED WITHIN A PELLET OR PELLET-LIKE DEVICE OR CAPSULE OR CAPSULE-LIKE DEVICE THAT BREAKS UPON IMPACT WITH THE TARGET, OVERSPREADING THE TARGET WITH PAINT.

S 2. Subdivision (c) of section 399-r of the general business law is relettered subdivision (d) and a new subdivision (c) is added to read as follows:

(C) EVERY PERSON, FIRM OR CORPORATION ENGAGED IN THE RETAIL BUSINESS OF SELLING PAINT PELLET GUNS SHALL, IN THE PLACE WHERE SUCH PAINT PELLET GUNS ARE DISPLAYED OR TRANSFERRED TO THE PURCHASER, POST A NOTICE CONSPICUOUSLY STATING IN BOLD PRINT THAT: "AN INDIVIDUAL WHO POSSESSES A LOADED PAINT PELLET GUN IN OR ON A MOTOR VEHICLE IS GUILTY OF A VIOLATION."

S 3. 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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