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

6231

2009-2010 Regular Sessions

I N A S S E M B L Y

February 26, 2009

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

AN ACT to amend the penal law, in relation to the criminal liability of owners of a firearm, rifle or shotgun for offenses committed by persons under the age of eighteen years

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 20.01 to read as follows:

S 20.01 CRIMINAL LIABILITY FOR CONDUCT OF ANOTHER; OWNERS OF FIREARMS, RIFLES OR SHOTGUNS.

WHEN ONE PERSON UNDER THE AGE OF EIGHTEEN YEARS ENGAGES IN CONDUCT INVOLVING THE USE OF A FIREARM, RIFLE OR SHOTGUN WHICH CONSTITUTES AN OFFENSE, THE OWNER OF SUCH FIREARM, RIFLE OR SHOTGUN SHALL BE CRIMINALLY LIABLE FOR SUCH CONDUCT OF SUCH PERSON UNDER THE AGE OF EIGHTEEN YEARS.

S 2. The penal law is amended by adding a new section 20.11 to read as follows:

S 20.11 CRIMINAL LIABILITY FOR CONDUCT OF ANOTHER; OWNERS OF FIREARMS, RIFLES OR SHOTGUNS; DEFENSE.

IN ANY PROSECUTION FOR AN OFFENSE IN WHICH THE CRIMINAL LIABILITY OF THE DEFENDANT IS BASED UPON THE CONDUCT OF ANOTHER PERSON UNDER THE AGE OF EIGHTEEN YEARS INVOLVING THE USE OF A FIREARM, RIFLE OR SHOTGUN, IT SHALL BE AN AFFIRMATIVE DEFENSE THAT SUCH FIREARM, RIFLE OR SHOTGUN WAS, PRIOR TO SUCH CONDUCT, LOST BY OR STOLEN FROM SUCH OWNER, AND THAT SUCH LOSS OR THEFT WAS REPORTED TO A PEACE OFFICER, POLICE DEPARTMENT OR SHERIFF'S OFFICE PRIOR TO SUCH CONDUCT.

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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