

6148

2009-2010 Regular Sessions

I N S E N A T E

August 31, 2009

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal law, in relation to prohibiting the possession of guns in or upon the grounds of buildings that serve alcoholic beverages

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

1 Section 1. Subdivision 3 of section 265.01 of the penal law, as
2 amended by chapter 199 of the laws of 2006, is amended to read as
3 follows:

4 (3) (A) He or she knowingly has in his or her possession a rifle,
5 shotgun or firearm in or upon a building or grounds, used for educa-
6 tional purposes, of any school, college or university, except the fores-
7 try lands, wherever located, owned and maintained by the State Universi-
8 ty of New York college of environmental science and forestry, or upon a
9 school bus as defined in section one hundred forty-two of the vehicle
10 and traffic law, without the written authorization of such educational
11 institution.

12 (B) HE OR SHE KNOWINGLY HAS IN HIS OR HER POSSESSION A RIFLE, SHOTGUN
13 OR FIREARM IN OR UPON THE PREMISES OF AN ESTABLISHMENT FOR WHICH A
14 LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION
15 HAS BEEN ISSUED PURSUANT TO THE ALCOHOLIC BEVERAGE CONTROL LAW.

16 (C) THE PROVISIONS OF PARAGRAPH (B) OF THIS SUBDIVISION SHALL NOT
17 APPLY TO:

18 1. A PERSON WHO IS A POLICE OFFICER, AS DEFINED IN SUBDIVISION THIR-
19 TY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, IN PURSUIT OF HIS
20 OR HER OFFICIAL DUTIES;

21 2. AN OWNER OR EMPLOYEE OF THE LICENSED PREMISES WITH THE RESPONSIBIL-
22 ITY OF PROTECTING SUCH ESTABLISHMENT; OR

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

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1 3. A CLUB AS DEFINED IN SUBDIVISION NINE OF SECTION THREE OF THE ALCO-
2 HOLIC BEVERAGE CONTROL LAW, INCLUDING THE EXTERIOR GROUNDS OF ANY GOLF
3 COURSE OR OUTDOOR RECREATION AREA AFFILIATED WITH SUCH CLUB; or
4 S 2. This act shall take effect on the one hundred twentieth day after
5 it shall have become a law.