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

3900--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 28, 2011

Introduced by M. of A. LAVINE, ARROYO, COLTON, MAYERSOHN, McENENY, McDONOUGH, KAVANAGH, M. MILLER -- Multi-Sponsored by -- M. of A. ABINANTI, WEPRIN -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to prohibiting the possession of a loaded firearm at certain events involving public officials

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

Section 1. Section 265.04 of the penal law, as amended by chapter 764 of the laws of 2005, is amended to read as follows:

S 265.04 Criminal possession of a weapon in the first degree.

A person is guilty of criminal possession of a weapon in the first degree when such person:

(1) possesses any explosive substance with intent to use the same unlawfully against the person or property of another; or

(2) possesses ten or more firearms[.]; OR

(3) INTENTIONALLY POSSESSES A LOADED FIREARM (I) AT AN EVENT SPONSORED BY AN ELECTED OFFICIAL AT WHICH SUCH ELECTED OFFICIAL IS PRESENT, OR (II) AT A DEBATE OR CANDIDATE FORUM AT WHICH AN ELECTED OFFICIAL OR A CANDIDATE FOR ELECTED OFFICE IS PRESENT, OR (III) IN A GOVERNMENT BUILDING. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO A PEACE OFFICER OR LAW ENFORCEMENT OFFICER EXERCISING HIS OR HER OFFICIAL DUTIES.

Criminal possession of a weapon in the first degree is a class B felony.

S 2. Subparagraphs (b) and (c) of paragraph 1 of subdivision a of section 265.20 of the penal law, as added by chapter 843 of the laws of 1980, are amended to read as follows:

(b) Police officers as defined in subdivision thirty-four of section 1.20 of the criminal procedure law, EXCEPT AS PROVIDED IN SECTION 265.04 OF THIS ARTICLE.

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

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(c) Peace officers as defined by section 2.10 of the criminal procedure law, EXCEPT AS PROVIDED IN SECTION 265.04 OF THIS ARTICLE.

S 3. Paragraph 3 of subdivision a of section 265.20 of the penal law, as amended by chapter 210 of the laws of 1999, is amended to read as follows:

3. Possession of a pistol or revolver by a person to whom a license therefor has been issued as provided under section 400.00 or 400.01 of this chapter, EXCEPT AS PROVIDED IN SUBDIVISION THREE OF SECTION 265.04 OF THIS ARTICLE; provided, that such a license shall not preclude a conviction for the offense defined in subdivision three of section 265.01 of this article.

S 4. This act shall take effect immediately.