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

2237

2011-2012 Regular Sessions

I N S E N A T E

January 18, 2011

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

AN ACT to amend the penal law, in relation to unlawful possession of a boxcutter

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

Section 1. Section 265.00 of the penal law is amended by adding a new subdivision 24 to read as follows:

24. "BOXCUTTER" OR "UTILITY KNIFE" MEANS A KNIFE CONSISTING OF A RAZOR BLADE OR SHARP-EDGED INSTRUMENT ATTACHED TO OR CONTAINED WITHIN A PLASTIC, WOOD OR METAL HOUSING.

S 2. Subdivision 2 of section 265.01 of the penal law, as amended by chapter 220 of the laws of 1988, is amended to read as follows:

(2) He possesses any dagger, dangerous knife, dirk, razor, BOXCUTTER, UTILITY KNIFE, RAZOR BLADE, stiletto, imitation pistol, or any other dangerous or deadly instrument or weapon with intent to use the same unlawfully against another; or

S 3. Section 265.05 of the penal law, as amended by chapter 56 of the laws of 1985, is amended to read as follows:

S 265.05 Unlawful possession of weapons by persons under sixteen.

It shall be unlawful for any person under the age of sixteen to possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring or air, or any gun or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, or any BOXCUTTER, UTILITY KNIFE OR RAZOR BLADE IN OR UPON A BUILDING OR GROUNDS USED FOR EDUCATIONAL PURPOSES, OF ANY PUBLIC OR PRIVATE ELEMENTARY, PAROCHIAL, INTERMEDIATE, JUNIOR HIGH, VOCATIONAL, OR HIGH SCHOOL, WHICH IS NOT BEING USED IN AN EDUCATIONAL OR JOB-RELATED FUNCTION OR dangerous knife; provided that the possession of rifle or shotgun or ammunition therefor by the holder of a hunting license or permit issued pursuant to article

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

LBD07410-01-1

eleven of the environmental conservation law and used in accordance with said law shall not be governed by this section.

A person who violates the provisions of this section shall be adjudged a juvenile delinquent.

S 4. Section 265.06 of the penal law, as added by chapter 268 of the laws of 1994, is amended to read as follows:

S 265.06 Unlawful possession of a weapon upon school grounds.

It shall be unlawful for any person age sixteen or older to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge, OR A BOXCUTTER, UTILITY KNIFE OR RAZOR BLADE in or upon a building or grounds, used for educational purposes, of any school, college or university, without the written authorization of such educational institution.

Unlawful possession of a weapon upon school grounds is a violation.

S 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.