

3821

2011-2012 Regular Sessions

I N   S E N A T E

March 7, 2011

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Introduced by Sen. ADAMS -- 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 failure to report a lost or stolen firearm

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

1     Section 1. The penal law is amended by adding three new sections  
2     265.21, 265.22 and 265.23 to read as follows:

3     S 265.21 FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR SHOTGUN  
4             IN THE THIRD DEGREE.

5     A PERSON IS GUILTY OF FAILURE TO REPORT THEFT OR LOSS OF A FIREARM,  
6     RIFLE OR SHOTGUN IN THE THIRD DEGREE WHEN HE OR SHE INTENTIONALLY FAILS  
7     TO REPORT SUCH THEFT OR LOSS AS PRESCRIBED IN SECTION 400.10 OF THIS  
8     CHAPTER.

9     A PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL HAVE ANY  
10    LICENSE VALIDLY ISSUED, AS PROVIDED UNDER SECTION 400.00 OF THIS CHAP-  
11    TER, SUSPENDED.

12    FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR SHOTGUN IN THE  
13    THIRD DEGREE IS A CLASS D FELONY.

14    S 265.22 FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR SHOTGUN  
15             IN THE SECOND DEGREE.

16    A PERSON IS GUILTY OF FAILURE TO REPORT THEFT OR LOSS OF A FIREARM,  
17    RIFLE OR SHOTGUN IN THE SECOND DEGREE WHEN HE OR SHE HAS PREVIOUSLY BEEN  
18    CONVICTED OF FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR  
19    SHOTGUN IN THE THIRD DEGREE AND HE OR SHE INTENTIONALLY FAILS TO REPORT  
20    SUCH THEFT OR LOSS AS PRESCRIBED IN SECTION 400.10 OF THIS CHAPTER.

21    A PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL HAVE ANY  
22    LICENSE VALIDLY ISSUED, AS PROVIDED UNDER SECTION 400.00 OF THIS CHAP-  
23    TER, REVOKED.

24    FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR SHOTGUN IN THE  
25    SECOND DEGREE IS A CLASS C FELONY.

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

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1 S 265.23 FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR SHOTGUN  
2 IN THE FIRST DEGREE.

3 A PERSON IS GUILTY OF FAILURE TO REPORT THEFT OR LOSS OF A FIREARM,  
4 RIFLE OR SHOTGUN IN THE FIRST DEGREE WHEN HE OR SHE HAS PREVIOUSLY BEEN  
5 CONVICTED OF FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR  
6 SHOTGUN IN THE SECOND DEGREE AND HE OR SHE INTENTIONALLY FAILS TO REPORT  
7 SUCH THEFT OR LOSS AS PRESCRIBED IN SECTION 400.10 OF THIS CHAPTER.

8 FAILURE TO REPORT THEFT OR LOSS OF A FIREARM, RIFLE OR SHOTGUN IN THE  
9 FIRST DEGREE IS A CLASS B FELONY.

10 S 2. Subdivision 3 of section 400.00 of the penal law, is amended by  
11 adding a new paragraph (c) to read as follows:

12 (C) ALL APPLICATIONS AND RENEWALS OF A LICENSE TO CARRY OR POSSESS A  
13 FIREARM SHALL INCLUDE A PROVISION, TO BE APPROVED AS TO FORM BY THE  
14 SUPERINTENDENT OF STATE POLICE, DETAILING THE CRIMES PRESCRIBED IN  
15 SECTIONS 265.21, 265.22, AND 265.23 OF THIS CHAPTER.

16 S 3. This act shall take effect on the first of November next succeed-  
17 ing the date on which it shall have become a law.