

3821

2011-2012 Regular Sessions

I N S E N A T E

March 7, 2011

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.