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

4797--A

2013-2014 Regular Sessions

I N A S S E M B L Y

February 11, 2013

Introduced by M. of A. RABBITT, BORELLI, LUPINACCI, DUPREY, RAIA, McKEVITT, MILLER, MONTESANO, FINCH, GRAF -- Multi-Sponsored by -- M. of A. DIPIETRO, McDONOUGH, WALTER -- 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 permitting active duty, off duty or retired law enforcement officers to possess a firearm on school grounds, and to permit such officers to carry more than seven rounds of ammunition

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

Section 1. Subdivision a of section 265.20 of the penal law is amended by adding a new paragraph 11-a to read as follows:

11-A. POSSESSION OF A LARGE CAPACITY AMMUNITION FEEDING DEVICE THAT CONTAINS MORE THAN SEVEN ROUNDS OF AMMUNITION OR IS OBTAINED AFTER THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH ADDED THIS PARAGRAPH AND HAS A CAPACITY OF, OR THAT CAN BE READILY RESTORED OR CONVERTED TO ACCEPT, MORE THAN SEVEN ROUNDS OF AMMUNITION, BY AN ACTIVE DUTY, OFF DUTY OR RETIRED LAW ENFORCEMENT OFFICER.

S 2. Section 265.01-a of the penal law, as added by chapter 1 of the laws of 2013, is amended to read as follows:

S 265.01-a[.] Criminal possession of a weapon on school grounds.

A person is guilty of criminal possession of a weapon on school grounds when he or she knowingly has in his or her possession a rifle, shotgun, or firearm in or upon a building or grounds, used for educational purposes, of any school, college, or university, except the forestry lands, wherever located, owned and maintained by the State University of New York college of environmental science and forestry, or upon a school bus as defined in section one hundred forty-two of the vehicle and traffic law, without the written authorization of such

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

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educational institution, UNLESS SUCH PERSON IS AN ACTIVE DUTY, OFF DUTY OR RETIRED LAW ENFORCEMENT OFFICER.

Criminal possession of a weapon on school grounds is a class E felony.

S 3. Subdivision 8 of section 265.02 of the penal law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

(8) Such person possesses a large capacity ammunition feeding device, EXCEPT IF HE OR SHE IS AN ACTIVE DUTY, OFF-DUTY OR RETIRED LAW ENFORCEMENT OFFICER. For purposes of this subdivision, a large capacity ammunition feeding device shall not include an ammunition feeding device lawfully possessed by such person before the effective date of [the] chapter ONE of the laws of two thousand thirteen which amended this subdivision, that has a capacity of, or that can be readily restored or converted to accept more than seven but less than eleven rounds of ammunition, or that was manufactured before September thirteenth, nineteen hundred ninety-four, that has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition; or

S 4. This act shall take effect immediately; provided, however, that the amendments to section 265.20 of the penal law made by section one of this act shall take effect on the same date and in the same manner as paragraphs (b) and (c) of subdivision 23 of section 265.00 of the penal law, as amended by section 38 of chapter 1 of the laws of 2013, take effect; and further provided, however, that the amendments to section 265.01-a of the penal law made by section two of this act shall take effect on the same date and in the same manner as section 41 of chapter 1 of the laws of 2013, takes effect; and further provided, however, that the amendments to section 265.02 of the penal law made by section three of this act shall take effect on the same date and in the same manner as section 41-b of chapter 1 of the laws of 2013, takes effect.