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

7177

2013-2014 Regular Sessions

I N A S S E M B L Y

May 6, 2013

Introduced by M. of A. LENTOL -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to an affirmative defense to criminal possession of a gravity knife

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

Section 1. The section heading of section 265.15 of the penal law is amended and a new subdivision 7 is added to read as follows:

Presumptions of possession, unlawful intent and defacement; AFFIRMATIVE DEFENSE.

7. IT IS AN AFFIRMATIVE DEFENSE TO CRIMINAL POSSESSION OF A WEAPON AS PROVIDED IN SUBDIVISION ONE OF SECTION 265.01 OF THIS ARTICLE OR SUBDIVISION ONE OF SECTION 265.02 OF THIS ARTICLE WHERE THE WEAPON POSSESSED IS A GRAVITY KNIFE AND WHERE THE PERSON DID NOT INTEND TO USE IT UNLAWFULLY.

S 2. This act shall take effect on the thirtieth day after it shall have become a law and shall apply to all pending trials where jury deliberations have not yet commenced.

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

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