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

4911

2013-2014 Regular Sessions

I N S E N A T E

May 1, 2013

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 the criminal facilitation of crimes involving firearms

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

Section 1. Section 115.08 of the penal law, as added by chapter 422 of the laws of 1978, is amended to read as follows:

S 115.08 Criminal facilitation in the first degree.

A person is guilty of criminal facilitation in the first degree when[,]:

1. believing it probable that he OR SHE is rendering aid to a person under sixteen years of age who intends to engage in conduct that would constitute a class A felony, he OR SHE, being over eighteen years of age, engages in conduct which provides such person with means or opportunity for the commission thereof and which in fact aids such person to commit such a class A felony; OR

2. BY IMPLICATION OF THE ACT, SUCH PERSON ASSISTS, MAKES AVAILABLE, FACILITATES AND/OR PROVIDES AN OPPORTUNITY FOR A PRINCIPAL ACTOR TO ACQUIRE AN AUTOMATIC WEAPON, SHOTGUN, HANDGUN OR REVOLVER, WITH WHICH A CLASS A FELONY IS PERFORMED BY SUCH PRINCIPAL ACTOR.

Criminal facilitation in the first degree is a class B felony.

S 2. The opening paragraph of section 20.00 of the penal law is designated subdivision 1 and a new subdivision 2 is added to read as follows:

2. A PERSON WHO, BY IMPLICATION, KNOWINGLY SUSPECTS THAT A CRIME MAY BE COMMITTED IF THE PERSON SOLICITS, REQUESTS, COMMANDS, IMPORTUNES, INTENTIONALLY AIDS OR FACILITATES THE ACQUISITION OF AN AUTOMATIC WEAPON, SHOTGUN, HANDGUN OR REVOLVER WHICH IS THEN USED BY A PRINCIPAL ACTOR TO COMMIT A CLASS A FELONY, SHALL BE CRIMINALLY LIABLE FOR THE COMMISSION OF THE OFFENSE, AS IF THE PERSON WERE THE PRINCIPAL ACTOR. SUCH

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

LBD07343-01-3

PERSON, BY AIDING AND ABETTING IN THE COMMISSION OF THE CRIME SHALL BE PROSECUTED EVEN IF THE PRINCIPAL ACTOR IS ACQUITTED.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.