

3304--C

2013-2014 Regular Sessions

I N A S S E M B L Y

January 24, 2013

Introduced by M. of A. CROUCH, BARCLAY, McDONOUGH, MONTESANO, FINCH, DUPREY -- Multi-Sponsored by -- M. of A. OAKS -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to exemptions for possession of firearms and other dangerous weapons

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

1 Section 1. Subdivision a of section 265.20 of the penal law is amended
2 by adding a new paragraph 17 to read as follows:
3 17. POSSESSION OF A LARGE CAPACITY AMMUNITION FEEDING DEVICE, AS
4 DEFINED IN SUBDIVISION TWENTY-THREE OF SECTION 265.00 OF THIS ARTICLE,
5 BY LICENSED PRIVATE INVESTIGATORS REGISTERED UNDER ARTICLE SEVEN OF THE
6 GENERAL BUSINESS LAW, ARMED SECURITY GUARDS LICENSED PURSUANT TO ARTICLE
7 SEVEN-A OF THE GENERAL BUSINESS LAW OR ARMORED CAR GUARDS LICENSED
8 PURSUANT TO ARTICLE EIGHT-C OF THE GENERAL BUSINESS LAW WHO POSSESS A
9 VALID PISTOL LICENSE PURSUANT TO SECTION 400.00 OF THIS CHAPTER AND HAVE
10 SUCCESSFULLY COMPLETED THE FORTY-SEVEN HOUR FIREARMS TRAINING COURSE
11 SPECIFIED IN SECTION EIGHTY-NINE-N OF THE GENERAL BUSINESS LAW WHILE IN
12 THE PERFORMANCE OF THEIR OFFICIAL DUTIES.
13 S 2. Section 265.20 of the penal law is amended by adding a new
14 subdivision e to read as follows:
15 E. SECTION 265.01 OF THIS ARTICLE SHALL NOT APPLY TO POSSESSION OF A
16 TRUNCHEON, BATON, BLUDGEON, BILLY CLUB, BLACKJACK, OR SIMILAR TYPE WEAP-
17 ON BY A LICENSED PRIVATE INVESTIGATOR, A LICENSED ARMED SECURITY OFFICER
18 OR ARMORED CAR GUARD. SUCH OFFICER OR GUARD SHALL BE REQUIRED TO HAVE
19 APPROPRIATE TRAINING, AS THE SUPERINTENDENT OF STATE POLICE, BY REGU-

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

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1 LATION, MAY PRESCRIBE, IN THE USE OF SUCH WEAPON, INCLUDING BUT NOT
2 LIMITED TO THE DEFENSIVE USE OF SUCH WEAPON AND INSTRUCTION IN THE LEGAL
3 USE OF DEADLY PHYSICAL FORCE PURSUANT TO ARTICLE THIRTY-FIVE OF THIS
4 CHAPTER. THE POSSESSION OF SUCH WEAPON SHALL ONLY BE PERMITTED UNDER
5 THIS SECTION WHEN SUCH OFFICER OR GUARD IS ENGAGED IN HIS OR HER LAWFUL
6 DUTIES RELATED TO EMPLOYMENT AS A LICENSED ARMED SECURITY OFFICER OR
7 ARMORED CAR GUARD, OR IN THE TRANSPORTATION TO OR FROM SUCH PERSON'S
8 HOME TO OR FROM HIS OR HER PLACE OF EMPLOYMENT.

9 S 3. This act shall take effect on the one hundred eightieth day after
10 it shall have become a law. Effective immediately, the superintendent of
11 state police may promulgate any rule or regulation related to the train-
12 ing requirement under subdivision e of section 265.20 of the penal law
13 as added by section two of this act.