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

4625

2013-2014 Regular Sessions

I N  A S S E M B L Y

February 6, 2013

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to creating penalties for straw purchasers of 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. HE OR SHE PURCHASES A FIREARM IN HIS OR HER NAME WITH THE INTENT OF TRANSFERRING POSSESSION OF SUCH FIREARM TO ANOTHER INDIVIDUAL AND DOES SO TRANSFER SUCH FIREARM; OR

3. HE OR SHE ALLOWS ANOTHER PERSON TO USE HIS OR HER FIREARM TO ENGAGE IN THE COMMISSION OF A CLASS A OR CLASS B FELONY.

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

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

LBD06943-01-3