

5665

2013-2014 Regular Sessions

I N A S S E M B L Y

March 5, 2013

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

AN ACT to amend the penal law, in relation to the safe storage of rifles, shotguns, and firearms

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

1 Section 1. Section 265.45 of the penal law, as added by chapter 1 of
2 the laws of 2013, is amended to read as follows:
3 S 265.45 Safe storage of rifles, shotguns, and firearms.
4 No person who owns or is custodian of a rifle, shotgun or firearm [who
5 resides with an individual who such person knows or has reason to know
6 is prohibited from possessing a firearm pursuant to 18 U.S.C. S 922(g)
7 (1), (4), (8) or (9)] shall store or otherwise leave such rifle, shotgun
8 or firearm out of his or her immediate possession or control without
9 having first securely locked such rifle, shotgun or firearm in an appropriate
10 safe storage depository or rendered it incapable of being fired
11 by use of a gun locking device appropriate to that weapon. For purposes
12 of this section "safe storage depository" shall mean a safe or other
13 secure container which, when locked, is incapable of being opened without
14 the key, combination or other unlocking mechanism and is capable of
15 preventing an unauthorized person from obtaining access to and
16 possession of the weapon contained therein. [With respect to a person
17 who is prohibited from possessing a firearm pursuant to 18 USC S
18 922(g)(9), for purposes of this section, this section applies only if
19 such person has been convicted of a crime included in subdivision one of
20 section 370.15 of the criminal procedure law and such gun is possessed
21 within five years from the later of the date of conviction or completion
22 of sentence.]
23 A violation of this section shall constitute a class A misdemeanor.
24 S 2. This act shall take effect on the same date and in the same
25 manner as section 47 of chapter 1 of the laws of 2013, as amended, takes
26 effect.

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

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