

7764

2013-2014 Regular Sessions

I N A S S E M B L Y

June 4, 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 prohibiting the promotion or sale of a weapon on public property

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

1 Section 1. The penal law is amended by adding a new section 265.45 to
2 read as follows:

3 S 265.45 ILLEGAL PROMOTION OR SALE OF A WEAPON ON PUBLIC PROPERTY.

4 A PERSON IS GUILTY OF ILLEGAL PROMOTION OR SALE OF A WEAPON ON PUBLIC
5 PROPERTY WHEN HE OR SHE PROMOTES, SELLS, TRANSFERS, EXCHANGES, GIVES OR
6 DISPOSES OF ANY WEAPON SITUATED UPON PROPERTY OWNED BY THE STATE OR ANY
7 POLITICAL SUBDIVISION THEREOF.

8 ILLEGAL PROMOTION OR SALE OF A WEAPON ON PUBLIC PROPERTY IS A CLASS A
9 MISDEMEANOR.

10 S 2. Subdivision 8 of section 400.00 of the penal law, as amended by
11 chapter 189 of the laws of 2000, is amended to read as follows:

12 8. License: exhibition and display. Every licensee while carrying a
13 pistol or revolver shall have on his or her person a license to carry
14 the same. Every person licensed to possess a pistol or revolver on
15 particular premises shall have the license for the same on such prem-
16 ises. Upon demand, the license shall be exhibited for inspection to any
17 peace officer, who is acting pursuant to his or her special duties, or
18 police officer. A license as gunsmith or dealer in firearms shall be
19 prominently displayed on the licensed premises. A gunsmith or dealer of
20 firearms may conduct business temporarily at a location other than the
21 location specified on the license if such temporary location is the
22 location for a gun show or event sponsored by any national, state, or
23 local organization, or any affiliate of any such organization devoted to
24 the collection, competitive use or other sporting use of firearms,
25 PROVIDED THAT SUCH SHOW OR EVENT IS NOT LOCATED ON PROPERTY OWNED BY THE

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

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1 STATE OR ANY POLITICAL SUBDIVISION THEREOF. Any sale or transfer at a
2 gun show must also comply with the provisions of article thirty-nine-DD
3 of the general business law. Records of receipt and disposition of
4 firearms transactions conducted at such temporary location shall include
5 the location of the sale or other disposition and shall be entered in
6 the permanent records of the gunsmith or dealer of firearms and retained
7 on the location specified on the license. Nothing in this section shall
8 authorize any licensee to conduct business from any motorized or towed
9 vehicle. A separate fee shall not be required of a licensee with respect
10 to business conducted under this subdivision. Any inspection or exam-
11 ination of inventory or records under this section at such temporary
12 location shall be limited to inventory consisting of, or records related
13 to, firearms held or disposed at such temporary locations. Failure of
14 any licensee to so exhibit or display his or her license, as the case
15 may be, shall be presumptive evidence that he or she is not duly
16 licensed.

17 S 3. This act shall take effect on the ninetieth day after it shall
18 have become a law.