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

5650

2013-2014 Regular Sessions

I N S E N A T E

May 31, 2013

Introduced by COMMITTEE ON RULES -- (at request of the Office of Court Administration) -- 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 an affirmative defense to criminal possession of a gravity knife

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

Section 1. The section heading of section 265.15 of the penal law is amended and a new subdivision 7 is added to read as follows:

Presumptions of possession, unlawful intent and defacement; AFFIRMATIVE DEFENSE.

7. IT IS AN AFFIRMATIVE DEFENSE TO CRIMINAL POSSESSION OF A WEAPON AS PROVIDED IN SUBDIVISION ONE OF SECTION 265.01 OF THIS ARTICLE OR SUBDIVISION ONE OF SECTION 265.02 OF THIS ARTICLE WHERE THE WEAPON POSSESSED IS A GRAVITY KNIFE AND WHERE THE PERSON DID NOT INTEND TO USE IT UNLAWFULLY.

S 2. This act shall take effect on the thirtieth day after it shall have become a law and shall apply to all pending trials where jury deliberations have not yet commenced.

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

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