

2768

2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

Introduced by M. of A. KATZ -- Multi-Sponsored by -- M. of A. BORELLI,
CROUCH, DiPIETRO, FINCH, GARBARINO, HAWLEY, McLAUGHLIN, TENNEY, WALTER
-- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to strengthening prison
sentences for illegal gun possession

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

1 Section 1. The penal law is amended by adding a new section 70.17 to
2 read as follows:
3 S 70.17 MANDATORY MINIMUM SENTENCES OF IMPRISONMENT AND BAIL
4 RESTRICTIONS FOR UNLAWFUL POSSESSION OF AN ILLEGAL FIREARM.
5 1. ANY INDIVIDUAL WITH A PRIOR CONVICTION FOR A VIOLENT FELONY PURSU-
6 ANT TO SECTION 70.02 OF THIS ARTICLE WHO IS SUBSEQUENTLY OR CONTEMPORA-
7 NEOUSLY CONVICTED OF UNLAWFUL POSSESSION OF AN ILLEGAL FIREARM PURSUANT
8 TO SECTION 265.07 OF THIS CHAPTER SHALL SERVE A TERM OF IMPRISONMENT NOT
9 LESS THAN FIVE YEARS AND SHALL NOT BE ELIGIBLE FOR PAROLE PURSUANT TO
10 SECTION 70.40 OF THIS ARTICLE. SUCH SENTENCE SHALL RUN CONSECUTIVE TO
11 ANY OTHER SENTENCE OF IMPRISONMENT.
12 2. ANY INDIVIDUAL CONVICTED OF CRIMINAL POSSESSION OF A FIREARM ON
13 SCHOOL PROPERTY PURSUANT TO SECTION 265.06-A OF THIS CHAPTER WHO IS
14 SUBSEQUENTLY OR CONTEMPORANEOUSLY CONVICTED OF UNLAWFUL POSSESSION OF AN
15 ILLEGAL FIREARM PURSUANT TO SECTION 265.07 OF THIS CHAPTER SHALL SERVE A
16 TERM OF IMPRISONMENT NOT LESS THAN FIVE YEARS AND SHALL NOT BE ELIGIBLE
17 FOR PAROLE PURSUANT TO SECTION 70.40 OF THIS ARTICLE. SUCH SENTENCE
18 SHALL RUN CONSECUTIVE TO ANY OTHER SENTENCE OF IMPRISONMENT.
19 3. ANY INDIVIDUAL WITH A PRIOR CONVICTION FOR POSSESSION OF MORE THAN
20 SIXTEEN OUNCES OF MARIJUANA, COCAINE OR HEROIN UNDER ARTICLE TWO HUNDRED
21 TWENTY-ONE OR TWO HUNDRED TWENTY OF THIS CHAPTER WHO IS SUBSEQUENTLY OR
22 CONTEMPORANEOUSLY CONVICTED OF UNLAWFUL POSSESSION OF AN ILLEGAL FIREARM
23 PURSUANT TO SECTION 265.07 OF THIS CHAPTER SHALL SERVE A TERM OF IMPRI-
24 SONMENT NOT LESS THAN FIVE YEARS AND SHALL NOT BE ELIGIBLE FOR PAROLE

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

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1 PURSUANT TO SECTION 70.40 OF THIS ARTICLE. SUCH SENTENCE SHALL RUN
2 CONSECUTIVE TO ANY OTHER SENTENCE OF IMPRISONMENT.
3 S 2. The penal law is amended by adding a new section 265.07 to read
4 as follows:
5 S 265.07 UNLAWFUL POSSESSION OF AN ILLEGAL FIREARM.
6 AN INDIVIDUAL IS GUILTY OF UNLAWFUL POSSESSION OF AN ILLEGAL FIREARM
7 WHEN THEY POSSESS A FIREARM WHICH IS NOT DULY LICENSED THROUGH AN APPRO-
8 PRIATE LICENSING AUTHORITY OR POSSESS ANY FIREARM WHICH IS OTHERWISE
9 PROHIBITED BY STATE LAW.
10 UNLAWFUL POSSESSION OF AN ILLEGAL FIREARM IS A VIOLATION.
11 S 3. The penal law is amended by adding a new section 265.06-a to read
12 as follows:
13 S 265.06-A CRIMINAL POSSESSION OF A FIREARM ON SCHOOL PROPERTY.
14 A PERSON IS GUILTY OF CRIMINAL POSSESSION OF A FIREARM ON SCHOOL PROP-
15 ERTY WHEN SUCH PERSON:
16 1. CARRIES A FIREARM ONTO SCHOOL PROPERTY WITH THE INTENT OF FIRING OR
17 DISCHARGING IT, OR
18 2. DISPLAYS SUCH FIREARM IN A THREATENING MANNER.
19 CRIMINAL POSSESSION OF A FIREARM ON SCHOOL PROPERTY IS A CLASS C FELO-
20 NY.
21 S 4. This act shall take effect on the ninetieth day after it shall
22 have become a law.