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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The penal law is amended by adding a new section 70.17 to read as follows:

S 70.17 MANDATORY MINIMUM SENTENCES OF IMPRISONMENT AND BAIL RESTRICTIONS FOR UNLAWFUL POSSESSION OF AN ILLEGAL FIREARM.

1. ANY INDIVIDUAL WITH A PRIOR CONVICTION FOR A VIOLENT FELONY PURSUANT TO SECTION 70.02 OF THIS ARTICLE WHO IS SUBSEQUENTLY OR CONTEMPORANEOUSLY CONVICTED OF UNLAWFUL POSSESSION OF AN ILLEGAL FIREARM PURSUANT TO SECTION 265.07 OF THIS CHAPTER SHALL SERVE A TERM OF IMPRISONMENT NOT LESS THAN FIVE YEARS AND SHALL NOT BE ELIGIBLE FOR PAROLE PURSUANT TO SECTION 70.40 OF THIS ARTICLE. SUCH SENTENCE SHALL RUN CONSECUTIVE TO ANY OTHER SENTENCE OF IMPRISONMENT.

2. ANY INDIVIDUAL CONVICTED OF CRIMINAL POSSESSION OF A FIREARM ON SCHOOL PROPERTY PURSUANT TO SECTION 265.06-A OF THIS CHAPTER WHO IS SUBSEQUENTLY OR CONTEMPORANEOUSLY CONVICTED OF UNLAWFUL POSSESSION OF AN ILLEGAL FIREARM PURSUANT TO SECTION 265.07 OF THIS CHAPTER SHALL SERVE A TERM OF IMPRISONMENT NOT LESS THAN FIVE YEARS AND SHALL NOT BE ELIGIBLE FOR PAROLE PURSUANT TO SECTION 70.40 OF THIS ARTICLE. SUCH SENTENCE SHALL RUN CONSECUTIVE TO ANY OTHER SENTENCE OF IMPRISONMENT.

3. ANY INDIVIDUAL WITH A PRIOR CONVICTION FOR POSSESSION OF MORE THAN SIXTEEN OUNCES OF MARIJUANA, COCAINE OR HEROIN UNDER ARTICLE TWO HUNDRED TWENTY-ONE OR TWO HUNDRED TWENTY OF THIS CHAPTER WHO IS SUBSEQUENTLY OR CONTEMPORANEOUSLY CONVICTED OF UNLAWFUL POSSESSION OF AN ILLEGAL FIREARM PURSUANT TO SECTION 265.07 OF THIS CHAPTER SHALL SERVE A TERM OF IMPRISONMENT 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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PURSUANT TO SECTION 70.40 OF THIS ARTICLE. SUCH SENTENCE SHALL RUN CONSECUTIVE TO ANY OTHER SENTENCE OF IMPRISONMENT.

S 2. The penal law is amended by adding a new section 265.07 to read as follows:

S 265.07 UNLAWFUL POSSESSION OF AN ILLEGAL FIREARM.

AN INDIVIDUAL IS GUILTY OF UNLAWFUL POSSESSION OF AN ILLEGAL FIREARM WHEN THEY POSSESS A FIREARM WHICH IS NOT DULY LICENSED THROUGH AN APPROPRIATE LICENSING AUTHORITY OR POSSESS ANY FIREARM WHICH IS OTHERWISE PROHIBITED BY STATE LAW.

UNLAWFUL POSSESSION OF AN ILLEGAL FIREARM IS A VIOLATION.

S 3. The penal law is amended by adding a new section 265.06-a to read as follows:

S 265.06-A CRIMINAL POSSESSION OF A FIREARM ON SCHOOL PROPERTY.

A PERSON IS GUILTY OF CRIMINAL POSSESSION OF A FIREARM ON SCHOOL PROPERTY WHEN SUCH PERSON:

1. CARRIES A FIREARM ONTO SCHOOL PROPERTY WITH THE INTENT OF FIRING OR DISCHARGING IT, OR

2. DISPLAYS SUCH FIREARM IN A THREATENING MANNER.

CRIMINAL POSSESSION OF A FIREARM ON SCHOOL PROPERTY IS A CLASS C FELONY.

S 4. This act shall take effect on the ninetieth day after it shall have become a law.