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

5257

2015-2016 Regular Sessions

I N A S S E M B L Y

February 13, 2015

Introduced by M. of A. PAULIN, ZEBROWSKI, MOSLEY, GOTTFRIED, MAGNARELLI, OTIS, QUART, ROBINSON, SCARBOROUGH -- Multi-Sponsored by -- M. of A. GALEF, RIVERA, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to orders to surrender eligible weapons

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

Section 1. Section 370.15 of the criminal procedure law is amended by adding three new subdivisions 4, 5 and 6 to read as follows:

4. UPON JUDGMENT OF CONVICTION AND DETERMINATION OF THE DEFENDANT TO BE RELATED OR SITUATED TO THE VICTIM AS SET FORTH IN THIS SECTION, THE COURT SHALL REQUIRE THE RESPONDENT TO INFORM THE COURT OF ALL FIREARMS, RIFLES, SHOTGUNS, BLACK POWDER RIFLES, BLACK POWDER SHOTGUNS, MUZZLE-LOADING FIREARMS OR ANTIQUE FIREARMS HE OR SHE OWNS OR POSSESSES. THE COURT SHALL ORDER THE IMMEDIATE SURRENDER PURSUANT TO SUBPARAGRAPH (F) OF PARAGRAPH ONE OF SUBDIVISION A OF SECTION 265.20 OF THE PENAL LAW AND SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW, OF ANY OR ALL FIREARMS, RIFLES, SHOTGUNS, BLACK POWDER RIFLES, BLACK POWDER SHOTGUNS, MUZZLE-LOADING FIREARMS OR ANTIQUE FIREARMS OWNED OR POSSESSED BY THE DEFENDANT.

5. THE COURT ORDERING THE SURRENDER OF ANY FIREARM, RIFLE, SHOTGUN, BLACK POWDER RIFLE, BLACK POWDER SHOTGUN, MUZZLE-LOADING FIREARM OR ANTIQUE FIREARM AS PROVIDED IN THIS SECTION SHALL IMMEDIATELY NOTIFY THE DULY CONSTITUTED POLICE AUTHORITIES OF THE LOCALITY OF SUCH ACTION AND THE DIVISION OF STATE POLICE AT ITS OFFICE IN THE CITY OF ALBANY. THE COURT SHALL DIRECT THE AUTHORITY RECEIVING SUCH SURRENDERED FIREARMS, RIFLES, SHOTGUNS, BLACK POWDER RIFLES, BLACK POWDER SHOTGUNS, MUZZLE-LOADING FIREARMS OR ANTIQUE FIREARMS TO IMMEDIATELY NOTIFY THE COURT OF SUCH SURRENDER.

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

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6. (A) THE DISPOSITION OF ANY FIREARMS, RIFLES, SHOTGUNS, BLACK POWDER RIFLES, BLACK POWDER SHOTGUNS, MUZZLE-LOADING FIREARMS OR ANTIQUE FIREARMS SURRENDERED PURSUANT TO THIS SECTION SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION SIX OF SECTION 400.05 OF THE PENAL LAW.

(B) THE PROVISIONS OF THIS SECTION SHALL NOT BE DEEMED TO LIMIT, RESTRICT OR OTHERWISE IMPAIR THE AUTHORITY OF THE COURT TO ORDER AND DIRECT THE SURRENDER OF ANY OR ALL FIREARMS, RIFLES, SHOTGUNS, BLACK POWDER RIFLES, BLACK POWDER SHOTGUNS, MUZZLE-LOADING FIREARMS, OR ANTIQUE FIREARMS OWNED OR POSSESSED BY A DEFENDANT PURSUANT TO ANY OTHER PROVISION OF LAW.

S 2. This act shall take effect immediately and shall apply to convictions on or after such effective date as well as to charges for such offenses pending on such effective date for which sentence has not yet been imposed.