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

8303

2015-2016 Regular Sessions

I N A S S E M B L Y

June 19, 2015

Introduced by M. of A. PICHARDO -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the imposition of civil penalties for the improper disposition of a firearm

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 80.20 to read as follows:

S 80.20 CIVIL FINES FOR THE IMPROPER DISPOSITION OF A FIREARM.

1. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER AND IN ADDITION TO ANY OTHER FINE, PENALTY OR TERM OF IMPRISONMENT AUTHORIZED TO BE IMPOSED PURSUANT TO THIS CHAPTER, ANY PERSON WHO: (A) SELLS, TRANSFERS OR DISPOSES OF A FIREARM FOR WHICH HE OR SHE IS THE OWNER WITHOUT LEGALLY TRANSFERRING THE TITLE OF SUCH FIREARM TO THE NEW OWNER; OR (B) FAILS TO REPORT A FIREARM FOR WHICH HE OR SHE IS THE OWNER AS LOST OR STOLEN; SHALL BE SUBJECT TO A CIVIL PENALTY AS FOLLOWS:

(I) FOR FAILURE TO LEGALLY TRANSFER A FIREARM OR REPORT A FIREARM AS LOST OR STOLEN, SUCH OWNER SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS;

(II) FOR FAILURE TO LEGALLY TRANSFER A FIREARM OR REPORT A FIREARM AS LOST OR STOLEN AND SUCH FIREARM IS USED IN THE COMMISSION OF A MISDEMEANOR, SUCH OWNER SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED FOUR THOUSAND DOLLARS;

(III) FOR FAILURE TO LEGALLY TRANSFER A FIREARM OR REPORT A FIREARM AS LOST OR STOLEN AND SUCH FIREARM IS USED IN THE COMMISSION OF A FELONY, SUCH OWNER SHALL BE SUBJECT TO A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED SIX THOUSAND DOLLARS.

2. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO PEACE OFFICERS OR FEDERAL LAW ENFORCEMENT OFFICERS AS SUCH TERMS ARE DEFINED IN ARTICLE TWO OF THE CRIMINAL PROCEDURE LAW.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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