

2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. ABINANTI, JAFFEE, PAULIN, MOSLEY, STECK --
Multi-Sponsored by -- M. of A. COOK, GLICK, GOTTFRIED, ROBINSON --
read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the safe storage of
rifles, shotguns, and firearms

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

1 Section 1. Section 265.45 of the penal law, as amended by section 3 of
2 part FF of chapter 57 of the laws of 2013, is amended to read as
3 follows:
4 S 265.45 Safe storage of rifles, shotguns, and firearms.
5 No person who owns or is custodian of a rifle, shotgun or firearm [who
6 resides with an individual who such person knows or has reason to know
7 is prohibited from possessing a firearm pursuant to 18 U.S.C. S 922(g)
8 (1), (4), (8) or (9)] shall store or otherwise leave such rifle, shotgun
9 or firearm out of his or her immediate possession or control without
10 having first securely locked such rifle, shotgun or firearm in an appro-
11 priate safe storage depository or rendered it incapable of being fired
12 by use of a gun locking device appropriate to that weapon. For purposes
13 of this section "safe storage depository" shall mean a safe or other
14 secure container which, when locked, is incapable of being opened with-
15 out the key, combination or other unlocking mechanism and is capable of
16 preventing an unauthorized person from obtaining access to and
17 possession of the weapon contained therein. [With respect to a person
18 who is prohibited from possessing a firearm pursuant to 18 USC S
19 922(g)(9), for purposes of this section, this section applies only if
20 such person has been convicted of a crime included in subdivision one of
21 section 370.15 of the criminal procedure law and such gun is possessed
22 within five years from the later of the date of conviction or completion
23 of sentence.] Nothing in this section shall be deemed to affect, impair

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

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1 or supersede any special or local act relating to the safe storage of
2 rifles, shotguns or firearms which impose additional requirements on the
3 owner or custodian of such weapons.
4 A violation of this section shall constitute a class A misdemeanor.
5 S 2. This act shall take effect immediately.