

2900

2015-2016 Regular Sessions

I N S E N A T E

January 30, 2015

Introduced by Sen. LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to possession of pistols and revolvers being offered for sale upon the premises of a dealer in firearms

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

1 Section 1. Section 265.20 of the penal law is amended by adding a new
2 subdivision f to read as follows:

3 F. 1. EXCEPT IN CITIES NOT WHOLLY CONTAINED WITHIN A SINGLE COUNTY
4 SUBDIVISION ONE OF SECTION 265.01 AND SUBDIVISION ONE OF SECTION
5 265.01-B OF THIS ARTICLE SHALL NOT APPLY TO THE POSSESSION OF AN
6 UNLOADED PISTOL OR REVOLVER UPON THE PREMISES OF A DEALER IN FIREARMS
7 WHO IS LAWFULLY ENGAGED IN THE SALE OR OFFERING FOR SALE OF SUCH PISTOL
8 OR REVOLVER BY A PERSON WHO IS:

9 (A) TWENTY-ONE YEARS OF AGE OR OLDER, AND NOT OTHERWISE PROHIBITED
10 FROM POSSESSING A FIREARM; OR

11 (B) EIGHTEEN YEARS OF AGE OR OLDER HAVING BEEN HONORABLY DISCHARGED
12 FROM THE UNITED STATES ARMY, NAVY, MARINE CORPS, AIR FORCE OR COAST
13 GUARD, OR FROM ACTIVE SERVICE IN A FORCE OF THE ORGANIZED MILITIA OF THE
14 STATE, AS DEFINED IN SECTION ONE OF THE MILITARY LAW, AS EVINCED BY A
15 DD-214 OR OTHER SIMILAR PROOF OF MILITARY SERVICE.

16 2. POSSESSION OF AN UNLOADED PISTOL OR REVOLVER SHALL ONLY BE GRANTED
17 BY A DEALER IN FIREARMS, OR HIS OR HER AGENT, UPON PRESENTATION OF SUIT-
18 ABLE PHOTOGRAPH IDENTIFICATION AND PROOF OF AGE. THE DEALER OR HIS OR
19 HER AGENT SHALL MAINTAIN CUSTODY OF SUCH IDENTIFICATION AND PROOF OF AGE
20 WHILE THE PERSON, WHO IS NOT AUTHORIZED TO POSSESS A PISTOL OR REVOLVER
21 PURSUANT TO SUBDIVISION A OF THIS SECTION, HAS POSSESSION OF THE
22 UNLOADED PISTOL OR REVOLVER UPON THE DEALER'S PREMISES.

23 S 2. This act shall take effect immediately.

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

LBD04726-01-5