

482

2015-2016 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2015

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Introduced by Sen. DIAZ -- 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 firearms

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

1     Section 1. The penal law is amended by adding two new sections 265.50  
2     and 265.55 to read as follows:  
3     S 265.50 AGGRAVATED SALE OF A FIREARM.  
4     A PERSON IS GUILTY OF AGGRAVATED SALE OF A FIREARM WHEN SUCH PERSON  
5     KNOWINGLY AND UNLAWFULLY SELLS, EXCHANGES, GIVES OR DISPOSES OF A  
6     FIREARM TO A PERSON WHICH HE OR SHE KNOWS HAS BEEN:  
7         1. USED IN THE COMMISSION OF A FELONY OFFENSE;  
8         2. STOLEN FROM ITS LAWFUL OWNER; OR  
9         3. DEFACED AS DEFINED BY SUBDIVISION SEVEN OF SECTION 265.00 OF THIS  
10     ARTICLE.  
11     AGGRAVATED SALE OF A FIREARM IS A CLASS D FELONY.  
12     S 265.55 AGGRAVATED SALE OF A FIREARM TO A MINOR.  
13     A PERSON OVER THE AGE OF EIGHTEEN IS GUILTY OF AGGRAVATED SALE OF A  
14     FIREARM TO A MINOR WHEN SUCH PERSON KNOWINGLY AND UNLAWFULLY SELLS,  
15     EXCHANGES, GIVES OR DISPOSES OF A FIREARM TO A PERSON WHO IS, OR WHO THE  
16     DEFENDANT BELIEVES TO BE LESS THAN EIGHTEEN YEARS OF AGE, WHICH HE OR  
17     SHE KNOWS HAS BEEN:  
18         1. USED IN THE COMMISSION OF A FELONY OFFENSE;  
19         2. STOLEN FROM ITS LAWFUL OWNER; OR  
20         3. DEFACED AS DEFINED BY SUBDIVISION SEVEN OF SECTION 265.00 OF THIS  
21     ARTICLE.  
22     AGGRAVATED SALE OF A FIREARM TO A MINOR IS A CLASS C FELONY.  
23     S 2. Paragraphs (b) and (c) of subdivision 1 of section 70.02 of the  
24     penal law, as amended by chapter 1 of the laws of 2013, are amended to  
25     read as follows:

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

LBD00120-01-5

1 (b) Class C violent felony offenses: an attempt to commit any of the  
2 class B felonies set forth in paragraph (a) of this subdivision; aggra-  
3 vated criminally negligent homicide as defined in section 125.11, aggra-  
4 vated manslaughter in the second degree as defined in section 125.21,  
5 aggravated sexual abuse in the second degree as defined in section  
6 130.67, assault on a peace officer, police officer, fireman or emergency  
7 medical services professional as defined in section 120.08, assault on a  
8 judge as defined in section 120.09, gang assault in the second degree as  
9 defined in section 120.06, strangulation in the first degree as defined  
10 in section 121.13, burglary in the second degree as defined in section  
11 140.25, robbery in the second degree as defined in section 160.10, crim-  
12 inal possession of a weapon in the second degree as defined in section  
13 265.03, criminal use of a firearm in the second degree as defined in  
14 section 265.08, criminal sale of a firearm in the second degree as  
15 defined in section 265.12, criminal sale of a firearm with the aid of a  
16 minor as defined in section 265.14, aggravated criminal possession of a  
17 weapon as defined in section 265.19, AGGRAVATED SALE OF A FIREARM TO A  
18 MINOR AS DEFINED IN SECTION 265.55, soliciting or providing support for  
19 an act of terrorism in the first degree as defined in section 490.15,  
20 hindering prosecution of terrorism in the second degree as defined in  
21 section 490.30, and criminal possession of a chemical weapon or biolog-  
22 ical weapon in the third degree as defined in section 490.37.

23 (c) Class D violent felony offenses: an attempt to commit any of the  
24 class C felonies set forth in paragraph (b); reckless assault of a child  
25 as defined in section 120.02, assault in the second degree as defined in  
26 section 120.05, menacing a police officer or peace officer as defined in  
27 section 120.18, stalking in the first degree, as defined in subdivision  
28 one of section 120.60, strangulation in the second degree as defined in  
29 section 121.12, rape in the second degree as defined in section 130.30,  
30 criminal sexual act in the second degree as defined in section 130.45,  
31 sexual abuse in the first degree as defined in section 130.65, course of  
32 sexual conduct against a child in the second degree as defined in  
33 section 130.80, aggravated sexual abuse in the third degree as defined  
34 in section 130.66, facilitating a sex offense with a controlled  
35 substance as defined in section 130.90, criminal possession of a weapon  
36 in the third degree as defined in subdivision five, six, seven, eight,  
37 nine or ten of section 265.02, criminal sale of a firearm in the third  
38 degree as defined in section 265.11, intimidating a victim or witness in  
39 the second degree as defined in section 215.16, soliciting or providing  
40 support for an act of terrorism in the second degree as defined in  
41 section 490.10, and making a terroristic threat as defined in section  
42 490.20, falsely reporting an incident in the first degree as defined in  
43 section 240.60, placing a false bomb or hazardous substance in the first  
44 degree as defined in section 240.62, placing a false bomb or hazardous  
45 substance in a sports stadium or arena, mass transportation facility or  
46 enclosed shopping mall as defined in section 240.63, AGGRAVATED SALE OF  
47 A FIREARM AS DESCRIBED IN SECTION 265.50, and aggravated unpermitted use  
48 of indoor pyrotechnics in the first degree as defined in section 405.18.

49 S 3. This act shall take effect on the first of November next succeed-  
50 ing the date on which it shall have become a law.