

7470

I N S E N A T E

May 4, 2016

Introduced by Sen. KLEIN -- 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 creating the offense of operating as a major firearms trafficker and establishing sentencing guidelines

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 a new section 265.46 to  
2 read as follows:

3 S 265.46 OPERATING AS A MAJOR FIREARMS TRAFFICKER.

4 A PERSON IS GUILTY OF OPERATING AS A MAJOR FIREARMS TRAFFICKER WHEN  
5 SUCH PERSON:

6 (1) UNLAWFULLY SELLS, EXCHANGES, GIVES OR DISPOSES OF TO ANOTHER  
7 PERSON OR PERSONS A TOTAL OF TWENTY OR MORE FIREARMS IN A PERIOD OF NOT  
8 MORE THAN ONE YEAR; OR

9 (2) UNLAWFULLY POSSESSES WITH INTENT TO SELL TWENTY OR MORE FIREARMS.  
10 OPERATING AS A MAJOR FIREARMS TRAFFICKER IS A CLASS A-I FELONY.

11 S 2. Subparagraph (i) of paragraph (a) of subdivision 3 of section  
12 70.00 of the penal law, as amended by chapter 107 of the laws of 2006,  
13 is amended to read as follows:

14 (i) For a class A-I felony, such minimum period shall not be less than  
15 fifteen years nor more than twenty-five years; provided, however, that  
16 (A) where a sentence, other than a sentence of death or life imprison-  
17 ment without parole, is imposed upon a defendant convicted of murder in  
18 the first degree as defined in section 125.27 of this chapter such mini-  
19 mum period shall be not less than twenty years nor more than twenty-five  
20 years, and, (B) where a sentence is imposed upon a defendant convicted  
21 of murder in the second degree as defined in subdivision five of section  
22 125.25 of this chapter or convicted of aggravated murder as defined in  
23 section 125.26 of this chapter, the sentence shall be life imprisonment  
24 without parole, and, (C) where a sentence is imposed upon a defendant  
25 convicted of attempted murder in the first degree as defined in article  
26 one hundred ten of this chapter and subparagraph (i), (ii) or (iii) of  
27 paragraph (a) of subdivision one and paragraph (b) of subdivision one of

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

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1 section 125.27 of this chapter or attempted aggravated murder as defined  
2 in article one hundred ten of this chapter and section 125.26 of this  
3 chapter such minimum period shall be not less than twenty years nor more  
4 than forty years, AND, (D) WHERE A SENTENCE IS IMPOSED UPON A DEFENDANT  
5 CONVICTED OF OPERATING AS A MAJOR FIREARMS TRAFFICKER AS DEFINED IN  
6 SECTION 265.46 OF THIS CHAPTER SUCH MINIMUM PERIOD SHALL BE NOT LESS  
7 THAN FIFTEEN YEARS.

8 S 3. This act shall take effect immediately.