

STATE OF NEW YORK

9789

IN ASSEMBLY

February 9, 2018

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

AN ACT to amend the penal law, in relation to removing the maximum age limit for firearms instruction exemptions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph 7 of subdivision (a) of section 265.20 of the
2 penal law, as amended by chapter 180 of the laws of 1998, is amended to
3 read as follows:

4 7. Possession, at an indoor or outdoor shooting range for the purpose
5 of loading and firing, of a rifle or shotgun, the propelling force of
6 which is gunpowder by a person [~~under sixteen years of age but~~] not
7 under twelve years of age, under the immediate supervision, guidance and
8 instruction of (a) a duly commissioned officer of the United States
9 army, navy, air force, marine corps or coast guard, or of the national
10 guard of the state of New York; or (b) a duly qualified adult citizen of
11 the United States who has been granted a certificate as an instructor in
12 small arms practice issued by the United States army, navy, air force or
13 marine corps, or by the adjutant general of this state, or by the
14 national rifle association of America, a not-for-profit corporation duly
15 organized under the laws of this state; or (c) a parent, guardian, or a
16 person over the age of eighteen designated in writing by such parent or
17 guardian who shall have a certificate of qualification in responsible
18 hunting, including safety, ethics, and landowner relations-hunter
19 relations, issued or honored by the department of environmental conser-
20 vation; or (d) an agent of the department of environmental conservation
21 appointed to conduct courses in responsible hunting practices pursuant
22 to article eleven of the environmental conservation law.

23 § 2. Paragraph 7-c of subdivision (a) of section 265.20 of the penal
24 law, as added by chapter 651 of the laws of 1996, is amended to read as
25 follows:

26 7-c. Possession for the purpose of loading and firing, of a rifle,
27 pistol or shotgun, the propelling force of which may be either air,
28 compressed gas or springs, by a person [~~under sixteen years of age but~~]

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

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1 not under twelve **years of age**, under the immediate supervision, guidance
2 and instruction of (a) a duly commissioned officer of the United States
3 army, navy, marine corps or coast guard, or of the national guard of the
4 state of New York; or (b) a duly qualified adult citizen of the United
5 States who has been granted a certificate as an instructor in small arms
6 practice issued by the United States army, navy or marine corps, or by
7 the adjutant general of this state, or by the national rifle association
8 of America, a not-for-profit corporation duly organized under the laws
9 of this state; or (c) a parent, guardian, or a person over the age of
10 eighteen designated in writing by such parent or guardian who shall have
11 a certificate of qualification in responsible hunting, including safety,
12 ethics, and landowner relations-hunter relations, issued or honored by
13 the department of environmental conservation.

14 § 3. Paragraph 7-e of subdivision (a) of section 265.20 of the penal
15 law, as amended by chapter 281 of the laws of 2006, is amended to read
16 as follows:

17 7-e. Possession and use of a pistol or revolver, at an indoor or
18 outdoor pistol range located in or on premises owned or occupied by a
19 duly incorporated organization organized for conservation purposes or to
20 foster proficiency in small arms or at a target pistol shooting competi-
21 tion under the auspices of or approved by an association or organization
22 described in paragraph 7-a of this subdivision for the purpose of load-
23 ing and firing the same by a person at least fourteen years of age [~~but~~
24 ~~under the age of twenty-one~~] who has not been previously convicted of a
25 felony or serious offense, and who does not appear to be, or pose a
26 threat to be, a danger to himself or to others; provided however, that
27 such possession shall be of a pistol or revolver duly licensed to and
28 shall be used under the immediate supervision, guidance and instruction
29 of, a person specified in paragraph seven of this subdivision.

30 § 4. This act shall take effect immediately.