STATE OF NEW YORK

202

2017-2018 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sens. MARCHIONE, FUNKE -- 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 sale of ammunition; and to repeal certain provisions of such law relating thereto

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

Section 1. Section 400.03 of the penal law is REPEALED.

§ 2. Subdivision 24 of section 265.00 of the penal law is REPEALED.

§ 3. Paragraph (a) of subdivision 1 of section 400.10 of the penal law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

(a) Any owner or other person lawfully in possession of: (i) a firearm, rifle or[~~,~~] shotgun who suffers the loss or theft of said weapon; (ii) ammunition as well as a firearm, rifle or shotgun who suffers the loss or theft of such ammunition as well as a firearm, rifle or shotgun; or (iii) ammunition and is a dealer in firearms [~~or seller of ammunition~~] who suffers the loss or theft of such ammunition shall within twenty-four hours of the discovery of the loss or theft report the facts and circumstances of the loss or theft to a police department or sheriff's office.

§ 4. The penal law is amended by adding a new section 400.03 to read as follows:

§ 400.03 Sale of ammunition to minors prohibited.

Sale of any ammunition shall be made only to an individual who demonstrates, through (a) a valid driver's license or non-driver's identification card issued by the commissioner of motor vehicles, the federal government, any United States territory, commonwealth or possession, the District of Columbia, a state government within the United States or a provincial government of the dominion of Canada, or (b) a valid passport issued by the United States government or any other country, or (c) an

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

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identification card issued by the armed forces of the United States, indicating that the individual is at least eighteen years of age.

§ 5. Subdivision 3 of section 260.21 of the penal law, as added by chapter 362 of the laws of 1992, is amended to read as follows:

3. He sells or causes to be sold tobacco in any form to a child less than eighteen years old.

[~~**It is no defense to a prosecution pursuant to subdivision three of this section that the child acted as the agent or representative of another person or that the defendant dealt with the child as such.**~~]

§ 6. Section 260.21 of the penal law is amended by adding a new subdivision 4 to read as follows:

4. He sells or causes to be sold ammunition to a child less than eighteen years old. It is no defense to a prosecution pursuant to this subdivision or subdivision three of this section that the child acted as the agent or representative of another person or that the defendant dealt with the child as such.

§ 7. This act shall take effect on the thirtieth day after it shall have become a law.