STATE OF NEW YORK

7890

IN SENATE

March 6, 2018

Introduced by Sen. HOYLMAN -- 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 establishing the offense of unlawful possession of firearms by persons under twenty-one

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

Section 1. Section 265.05 of the penal law, as amended by chapter 56 of the laws of 1985, is amended to read as follows:

§ 265.05 Unlawful possession of weapons by persons under sixteen.

It shall be unlawful for any person under the age of sixteen to possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring or air[~~, or any gun or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor,~~] or any dangerous knife; provided that the possession of rifle or shotgun or ammunition therefor by the holder of a hunting license or permit issued pursuant to article eleven of the environmental conservation law and used in accordance with said law shall not be governed by this section.

A person who violates the provisions of this section shall be adjudged a juvenile delinquent.

§ 2. The penal law is amended by adding a new section 265.05-a to read as follows:

§ 265.05-a Unlawful possession of firearms by persons under twenty-one.

It shall be unlawful for any person under the age of twenty-one to possess any rifle, shotgun, or firearm as defined in section 265.00 of this article, or any gun or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, provided that the possession of a rifle or shotgun or ammunition therefor by the holder of a hunting license or permit issued pursuant to article eleven of the environmental conservation law and used in accordance with said law shall not be governed by this section.

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

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Unlawful possession of firearms by persons under twenty-one is a violation; provided that a person under the age of eighteen who violates the provisions of this section shall be adjudged a juvenile delinquent.

§ 3. The opening paragraph of subdivision a of section 265.20 of the penal law, as amended by section 1 of part FF of chapter 57 of the laws of 2013, is amended to read as follows:

Paragraph (h) of subdivision twenty-two of section 265.00 and sections 265.01, 265.01-a, subdivision one of section 265.01-b, 265.02, 265.03, 265.04, 265.05, **265.05-a,** 265.10, 265.11, 265.12, 265.13, 265.15, 265.36, 265.37 and 270.05 shall not apply to:

§ 4. This act shall take effect immediately.