

# STATE OF NEW YORK

8156

## IN SENATE

April 11, 2018

Introduced by Sen. BOYLE -- 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 possession of weapons by certain persons; and to amend the general business law, in relation to making technical corrections thereto

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

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

3 § 265.05 Unlawful possession of weapons by persons under [~~sixteen~~]  
4 seventeen.

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

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

16 § 1-a. Section 265.05 of the penal law, as amended by section one of  
17 this act, is amended to read as follows:

18 § 265.05 Unlawful possession of weapons by persons under [~~seventeen~~]  
19 eighteen.

20 It shall be unlawful for any person under the age of [~~seventeen~~] eigh-  
21 teen to possess any air-gun, spring-gun or other instrument or weapon in  
22 which the propelling force is a spring or air, or any gun or any instru-  
23 ment or weapon in or upon which any loaded or blank cartridges may be  
24 used, or any loaded or blank cartridges or ammunition therefor, or any  
25 dangerous knife; provided that the possession of rifle or shotgun or  
26 ammunition therefor by the holder of a hunting license or permit issued

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

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1 pursuant to article eleven of the environmental conservation law and  
2 used in accordance with said law shall not be governed by this section.

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

5 § 2. Subdivision 5 of section 265.10 of the penal law, as amended by  
6 chapter 189 of the laws of 2000, is amended to read as follows:

7 5. Any person who disposes of any of the weapons, instruments, appli-  
8 ances or substances specified in section 265.05 to any other person  
9 under the age of [~~sixteen~~] seventeen years is guilty of a class A misde-  
10 meanor.

11 § 2-a. Subdivision 5 of section 265.10 of the penal law, as amended by  
12 section two of this act, is amended to read as follows:

13 5. Any person who disposes of any of the weapons, instruments, appli-  
14 ances or substances specified in section 265.05 to any other person  
15 under the age of [~~seventeen~~] eighteen years is guilty of a class A  
16 misdemeanor.

17 § 3. Subdivision 1 of section 399-s of the general business law, as  
18 added by chapter 313 of the laws of 1989, is amended to read as follows:

19 1. In each mercantile establishment in this state where air rifles or  
20 air guns are sold, a notice must be posted in a conspicuous place, and  
21 in close proximity to any air rifle or air gun displayed for sale, that  
22 in legible format states: "Except under supervision at a shooting range  
23 or for hunting pursuant to license, Section 265.05 of the New York State  
24 Penal Law makes it unlawful for any person under the age of [~~sixteen~~]  
25 seventeen years to possess an air rifle or air gun."

26 § 3-a. Subdivision 1 of section 399-s of the general business law, as  
27 amended by section three of this act, is amended to read as follows:

28 1. In each mercantile establishment in this state where air rifles or  
29 air guns are sold, a notice must be posted in a conspicuous place, and  
30 in close proximity to any air rifle or air gun displayed for sale, that  
31 in legible format states: "Except under supervision at a shooting range  
32 or for hunting pursuant to license, Section 265.05 of the New York State  
33 Penal Law makes it unlawful for any person under the age of [~~seventeen~~]  
34 eighteen years to possess an air rifle or air gun."

35 § 4. This act shall take effect October 1, 2018; provided, however,  
36 sections one-a, two-a, and three-a of this act shall take effect October  
37 1, 2019.