

STATE OF NEW YORK

S. 2450

A. 2686

2019-2020 Regular Sessions

SENATE - ASSEMBLY

January 24, 2019

IN SENATE -- Introduced by Sens. KRUEGER, MAYER, ADDABBO, BAILEY, BENJAMIN, BIAGGI, BRESLIN, BROOKS, CARLUCCI, COMRIE, GAUGHRAN, GIANARIS, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, KAMINSKY, KAPLAN, KAVANAGH, LIU, MYRIE, PARKER, PERSAUD, RAMOS, SALAZAR, SAVINO, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY, STEWART-COUSINS, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

IN ASSEMBLY -- Introduced by M. of A. PAULIN, HEASTIE, LENTOL, PEOPLES-STOKES, ABINANTI, ENGLEBRIGHT, JAFFEE, L. ROSENTHAL, GALEF, COOK, ORTIZ, CYMBROWITZ, DINOWITZ, WEPRIN, FAHY, BRAUNSTEIN, MOSLEY, BUCHWALD, STECK, COLTON, ROZIC, SEAWRIGHT, LAVINE, CRUZ, FRONTUS, GRIFFIN, JACOBSON, PICHARDO, REYES, SAYEGH, STERN -- Multi-Sponsored by -- M. of A. ARROYO, AUBRY, CRESPO, DenDEKKER, GOTTFRIED, HEVESI, PERRY, RICHARDSON, SIMON, THIELE, WRIGHT -- read once and referred to the Committee on Codes

AN ACT to amend the penal law and the general business law, in relation to storage of firearms

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

1 Section 1. Section 265.45 of the penal law, as amended by section 3 of
2 part FF of chapter 57 of the laws of 2013, is amended to read as
3 follows:
4 § 265.45 [~~Safe storage of~~] Failure to safely store rifles, shotguns, and
5 firearms in the first degree.
6 No person who owns or is custodian of a rifle, shotgun or firearm who
7 resides with an individual who is under sixteen years of age or who such
8 person knows or has reason to know is prohibited from possessing a
9 firearm pursuant to 18 U.S.C. § 922(g) (1), (4), (8) or (9) shall store
10 or otherwise leave such rifle, shotgun or firearm out of his or her
11 immediate possession or control without having first securely locked

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

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1 such rifle, shotgun or firearm in an appropriate safe storage depository
 2 or rendered it incapable of being fired by use of a gun locking device
 3 appropriate to that weapon. For purposes of this section "safe storage
 4 depository" shall mean a safe or other secure container which, when
 5 locked, is incapable of being opened without the key, combination or
 6 other unlocking mechanism and is capable of preventing an unauthorized
 7 person from obtaining access to and possession of the weapon contained
 8 therein. With respect to a person who is prohibited from possessing a
 9 firearm pursuant to 18 USC § 922(g)(9), for purposes of this section,
 10 this section applies only if such person has been convicted of a crime
 11 included in subdivision one of section 370.15 of the criminal procedure
 12 law and such gun is possessed within five years from the later of the
 13 date of conviction or completion of sentence. Nothing in this section
 14 shall be deemed to affect, impair or supersede any special or local act
 15 relating to the safe storage of rifles, shotguns or firearms which
 16 impose additional requirements on the owner or custodian of such weap-
 17 ons.

18 [~~A violation of this section shall constitute~~] Failure to safely store
 19 rifles, shotguns, and firearms in the first degree is a class A misde-
 20 meanor.

21 § 2. The penal law is amended by adding a new section 265.50 to read
 22 as follows:

23 § 265.50 Failure to safely store rifles, shotguns, and firearms in the
 24 second degree.

25 No person who owns or is custodian of a rifle, shotgun or firearm
 26 shall store or otherwise leave such rifle, shotgun or firearm out of his
 27 or her immediate possession or control without having first securely
 28 locked such rifle, shotgun or firearm in an appropriate safe storage
 29 depository or rendered it incapable of being fired by use of a gun lock-
 30 ing device appropriate to that weapon. For purposes of this section
 31 "safe storage depository" shall have the same meaning as such term is
 32 defined in section 265.45 of this article. Nothing in this section shall
 33 be deemed to affect, impair or supersede any special or local act relat-
 34 ing to the safe storage of rifles, shotguns or firearms which impose
 35 additional requirements on the owner or custodian of such weapons.

36 Failure to safely store rifles, shotguns, and firearms in the second
 37 degree is a violation.

38 § 3. Section 400.00 of the penal law is amended by adding a new subdi-
 39 vision 18 to read as follows:

40 18. Notice. Upon the issuance of a license, the licensing officer
 41 shall issue therewith the following notice in conspicuous and legible
 42 twenty-four point type on eight and one-half inches by eleven inches
 43 paper stating in bold print the following:

44 WARNING: RESPONSIBLE FIREARM STORAGE IS THE LAW IN NEW YORK STATE.
 45 FIREARMS MUST EITHER BE STORED WITH A GUN LOCKING DEVICE OR IN A SAFE
 46 STORAGE DEPOSITORY OR NOT BE LEFT OUTSIDE THE IMMEDIATE POSSESSION AND
 47 CONTROL OF THE OWNER OR OTHER LAWFUL POSSESSOR. FIREARMS SHOULD BE
 48 STORED UNLOADED AND LOCKED IN A LOCATION SEPARATE FROM AMMUNITION. LEAV-
 49 ING FIREARMS ACCESSIBLE TO A CHILD OR OTHER PERSON MAY SUBJECT YOU TO
 50 IMPRISONMENT, FINE, OR BOTH.

51 Nothing in this subdivision shall be deemed to affect, impair or
 52 supersede any special or local law relating to providing notice regard-
 53 ing the safe storage of rifles, shotguns or firearms.

54 § 4. Subdivision 2 of section 396-ee of the general business law, as
 55 added by chapter 189 of the laws of 2000, is amended to read as follows:

1 (2) Every person, firm or corporation engaged in the retail business
2 of selling rifles, shotguns or firearms, as such terms are defined in
3 section 265.00 of the penal law, shall, in the place where such rifles,
4 shotguns or firearms are displayed or transferred to the purchaser, post
5 a notice conspicuously stating in bold print that: [~~"The use of a lock-
6 ing device or safety lock is only one aspect of responsible firearm
7 storage. For increased safety firearms should be stored unloaded and
8 locked in a location that is both separate from their ammunition and
9 inaccessible to children and any other unauthorized person."~~] "RESPONSI-
10 BLE FIREARM STORAGE IS THE LAW IN NEW YORK STATE. FIREARMS MUST EITHER
11 BE STORED WITH A GUN LOCKING DEVICE OR IN A SAFE STORAGE DEPOSITORY OR
12 NOT BE LEFT OUTSIDE THE IMMEDIATE POSSESSION AND CONTROL OF THE OWNER OR
13 OTHER LAWFUL POSSESSOR. FIREARMS SHOULD BE STORED UNLOADED AND LOCKED
14 IN A LOCATION SEPARATE FROM AMMUNITION. LEAVING FIREARMS ACCESSIBLE TO A
15 CHILD OR OTHER PERSON MAY SUBJECT YOU TO IMPRISONMENT, FINE, OR BOTH."
16 Nothing in this subdivision shall be deemed to affect, impair or super-
17 sede any special or local law relating to the posting of notice regard-
18 ing the safe storage of rifles, shotguns or firearms.

19 § 5. Severability. If any word, phrase, clause, sentence, paragraph,
20 section, or part of this act shall be adjudged by any court of competent
21 jurisdiction to be invalid, such judgment shall not affect, impair, or
22 invalidate the remainder thereof, but shall be confined in its operation
23 to the word, phrase, clause, sentence, paragraph, section, or part ther-
24 eof directly involved in the controversy in which such judgment shall
25 have been rendered.

26 § 6. This act shall take effect on the sixtieth day after it shall
27 have become a law.