

# STATE OF NEW YORK

5392

2019-2020 Regular Sessions

## IN ASSEMBLY

February 11, 2019

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~~  
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:

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

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

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

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

34 § 4. This act shall take effect immediately.