

# STATE OF NEW YORK

6360

2019-2020 Regular Sessions

## IN SENATE

June 6, 2019

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the penal 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 a chapter of  
2 the laws of 2019, amending the penal law and the general business law  
3 relating to storage of firearms, as proposed in legislative bill numbers  
4 S. 2450-A and A. 2686-A, is amended to read as follows:

5 § 265.45 Failure to safely store rifles, shotguns, and firearms in the  
6 first degree.

7 No person who owns or is custodian of a rifle, shotgun or firearm who  
8 resides with an individual who: (i) is under sixteen years of age; (ii)  
9 such person knows or has reason to know is prohibited from possessing a  
10 rifle, shotgun or firearm pursuant to a temporary or final extreme risk  
11 protection order issued under article sixty-three-A of the civil prac-  
12 tice law and rules or 18 U.S.C. § 922(g) (1), (4), (8) or (9); or (iii)  
13 such person knows or has reason to know is prohibited from possessing a  
14 rifle, shotgun or firearm based on a conviction for a felony or a seri-  
15 ous offense, shall store or otherwise leave such rifle, shotgun or  
16 firearm out of his or her immediate possession or control without having  
17 first securely locked such rifle, shotgun or firearm in an appropriate  
18 safe storage depository or rendered it incapable of being fired by use  
19 of a gun locking device appropriate to that weapon. For purposes of this  
20 section "safe storage depository" shall mean a safe or other secure  
21 container which, when locked, is incapable of being opened without the  
22 key, combination or other unlocking mechanism and is capable of prevent-  
23 ing an unauthorized person from obtaining access to and possession of  
24 the weapon contained therein. Nothing in this section shall be deemed  
25 to affect, impair or supersede any special or local act relating to the  
26 safe storage of rifles, shotguns or firearms which impose additional

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

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1 requirements on the owner or custodian of such weapons. [~~The possession  
2 of a rifle or shotgun by a person less than sixteen years of age who is  
3 the holder of a hunting license or permit issued pursuant to article  
4 eleven of the environmental conservation law when used in accordance  
5 with such law shall not be governed by this section.~~]

6 It shall not be a violation of this section to allow a person less  
7 than sixteen years of age access to: (i) a firearm, rifle or shotgun for  
8 lawful use as authorized under paragraph seven or seven-e of subdivision  
9 a of section 265.20 of this article, or (ii) a rifle or shotgun for  
10 lawful use as authorized by article eleven of the environmental conser-  
11 vation law when such person less than sixteen years of age is the holder  
12 of a hunting license or permit and such rifle or shotgun is used in  
13 accordance with such law.

14 Failure to safely store rifles, shotguns, and firearms in the first  
15 degree is a class A misdemeanor.

16 § 2. Section 265.50 of the the penal law, as added by a chapter of the  
17 laws of 2019, amending the penal law and the general business law relat-  
18 ing to storage of firearms, as proposed in legislative bill numbers S.  
19 2450-A and A. 2686-A, is amended to read as follows:

20 § 265.50 Failure to safely store rifles, shotguns, and firearms in the  
21 second degree.

22 No person who owns or is custodian of a rifle, shotgun or firearm and  
23 knows, or has reason to know, that a person less than sixteen years of  
24 age is likely to gain access to such rifle, shotgun or firearm shall  
25 store or otherwise leave such rifle, shotgun or firearm out of his or  
26 her immediate possession or control without having first securely locked  
27 such rifle, shotgun or firearm in an appropriate safe storage depository  
28 or rendered it incapable of being fired by use of a gun locking device  
29 appropriate to that weapon. For purposes of this section "safe storage  
30 depository" shall have the same meaning as such term is defined in  
31 section 265.45 of this article. Nothing in this section shall be deemed  
32 to affect, impair or supersede any special or local act relating to the  
33 safe storage of rifles, shotguns or firearms which impose additional  
34 requirements on the owner or custodian of such weapons. [~~The possession  
35 of a rifle or shotgun by a person less than sixteen years of age who is  
36 the holder of a hunting license or permit issued pursuant to article  
37 eleven of the environmental conservation law when used in accordance  
38 with such law shall not be governed by this section.~~]

39 It shall not be a violation of this section to allow a person less  
40 than sixteen years of age access to: (i) a firearm, rifle or shotgun for  
41 lawful use as authorized under paragraph seven or seven-e of subdivision  
42 a of section 265.20 of this article, or (ii) a rifle or shotgun for  
43 lawful use as authorized by article eleven of the environmental conser-  
44 vation law when such person less than sixteen years of age is the holder  
45 of a hunting license or permit and such rifle or shotgun is used in  
46 accordance with such law.

47 Failure to safely store rifles, shotguns, and firearms in the second  
48 degree is a violation punishable only by a fine of not more than two  
49 hundred fifty dollars.

50 § 3. This act shall take effect on the same date and in the same  
51 manner as a chapter of the laws of 2019, amending the penal law and the  
52 general business law relating to storage of firearms, as proposed in  
53 legislative bill numbers S. 2450-A and A. 2686-A, takes effect.