

# STATE OF NEW YORK

6401

2019-2020 Regular Sessions

## IN SENATE

June 7, 2019

Introduced by Sen. BRESLIN -- 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 permitting 4-H certified shooting sports instructors to supervise and instruct persons under sixteen years of age at shooting ranges

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

1 Section 1. Subdivision 19 of section 265.00 of the penal law, as added  
2 by chapter 446 of the laws of 1997, is amended to read as follows:

3 19. "Duly authorized instructor" means (a) a duly commissioned officer  
4 of the United States army, navy, marine corps or coast guard, or of the  
5 national guard of the state of New York; or (b) a duly qualified adult  
6 citizen of the United States who has been granted a certificate as an  
7 instructor in small arms practice issued by the United States army, navy  
8 or marine corps, or by the adjutant general of this state, or by the  
9 national rifle association of America, a not-for-profit corporation duly  
10 organized under the laws of this state; ~~[or]~~ (c) by a person duly quali-  
11 fied and designated by the department of environmental conservation  
12 under ~~[paragraph d of]~~ subdivision six of section 11-0713 of the envi-  
13 ronmental conservation law as its agent in the giving of instruction and  
14 the making of certifications of qualification in responsible hunting  
15 practices; or (d) a New York state 4-H certified shooting sports  
16 instructor.

17 § 2. Paragraphs 7, 7-c, and 7-d of subdivision a of section 265.20 of  
18 the penal law, paragraph 7 as amended by chapter 180 of the laws of 1998  
19 and paragraphs 7-c and 7-d as added by chapter 651 of the laws of 1996,  
20 are amended to read as follows:

21 7. Possession, at an indoor or outdoor shooting range for the purpose  
22 of loading and firing, of a rifle or shotgun, the propelling force of  
23 which is gunpowder by a person under sixteen years of age but not under  
24 twelve, under the immediate supervision, guidance and instruction of (a)  
25 a duly commissioned officer of the United States army, navy, air force,  
26 marine corps or coast guard, or of the national guard of the state of  
27 New York; or (b) a duly qualified adult citizen of the United States who

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

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1 has been granted a certificate as an instructor in small arms practice  
2 issued by the United States army, navy, air force or marine corps, or by  
3 the adjutant general of this state, [~~ex~~] by the national rifle associ-  
4 ation of America, a not-for-profit corporation duly organized under the  
5 laws of this state, or by a New York state 4-H certified shooting sports  
6 instructor; or (c) a parent, guardian, or a person over the age of eigh-  
7 teen designated in writing by such parent or guardian who shall have a  
8 certificate of qualification in responsible hunting, including safety,  
9 ethics, and landowner relations-hunter relations, issued or honored by  
10 the department of environmental conservation; or (d) an agent of the  
11 department of environmental conservation appointed to conduct courses in  
12 responsible hunting practices pursuant to article eleven of the environ-  
13 mental conservation law.

14 7-c. Possession for the purpose of loading and firing, of a rifle,  
15 pistol or shotgun, the propelling force of which may be either air,  
16 compressed gas or springs, by a person under sixteen years of age but  
17 not under twelve, under the immediate supervision, guidance and instruc-  
18 tion of (a) a duly commissioned officer of the United States army, navy,  
19 marine corps or coast guard, or of the national guard of the state of  
20 New York; or (b) a duly qualified adult citizen of the United States who  
21 has been granted a certificate as an instructor in small arms practice  
22 issued by the United States army, navy or marine corps, or by the adju-  
23 tant general of this state, [~~ex~~] by the national rifle association of  
24 America, a not-for-profit corporation duly organized under the laws of  
25 this state, or by a New York state 4-H certified shooting sports  
26 instructor; or (c) a parent, guardian, or a person over the age of eigh-  
27 teen designated in writing by such parent or guardian who shall have a  
28 certificate of qualification in responsible hunting, including safety,  
29 ethics, and landowner relations-hunter relations, issued or honored by  
30 the department of environmental conservation.

31 7-d. Possession, at an indoor or outdoor shooting range for the  
32 purpose of loading and firing, of a rifle, pistol or shotgun, the  
33 propelling force of which may be either air, compressed gas or springs,  
34 by a person under twelve years of age, under the immediate supervision,  
35 guidance and instruction of (a) a duly commissioned officer of the  
36 United States army, navy, marine corps or coast guard, or of the  
37 national guard of the state of New York; or (b) a duly qualified adult  
38 citizen of the United States who has been granted a certificate as an  
39 instructor in small arms practice issued by the United States army, navy  
40 or marine corps, or by the adjutant general of this state, [~~ex~~] by the  
41 national rifle association of America, a not-for-profit corporation duly  
42 organized under the laws of this state, or by a New York state 4-H  
43 certified shooting sports instructor; or (c) a parent, guardian, or a  
44 person over the age of eighteen designated in writing by such parent or  
45 guardian who shall have a certificate of qualification in responsible  
46 hunting, including safety, ethics, and landowner relations-hunter  
47 relations, issued or honored by the department of environmental conser-  
48 vation.

49 § 3. Section 265.00 of the penal law is amended by adding a new subdivi-  
50 sion 26 to read as follows:

51 26. "New York state 4-H certified shooting instructor" means a certi-  
52 fied shooting sports instructor of the National 4-H Shooting Sports, a  
53 non-profit organization, engaged in shooting education and youth devel-  
54 opment programming that is administered by the National Institute of  
55 Food and Agriculture of the United States department of agriculture.

56 § 4. This act shall take effect immediately.