STATE OF NEW YORK

6401--A

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 -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

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

LBD13021-05-0

7. Possession, at an indoor or outdoor shooting range for the purpose of loading and firing, of a rifle or shotgun, the propelling force of which is gunpowder by a person under sixteen years of age but not under twelve, under the immediate supervision, guidance and instruction of (a) a duly commissioned officer of the United States army, navy, air force, marine corps or coast guard, or of the national guard of the state of New York; or (b) a duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the United States army, navy, air force or marine corps, or by the adjutant general of this state, [~~or~~] by the national rifle association of America, a not-for-profit corporation duly organized under the laws of this state**, or by a New York state 4-H certified shooting sports instructor**; or (c) a parent, guardian, or a person over the age of eighteen designated in writing by such parent or guardian who shall have a certificate of qualification in responsible hunting, including safety, ethics, and landowner relations-hunter relations, issued or honored by the department of environmental conservation; or (d) an agent of the department of environmental conservation appointed to conduct courses in responsible hunting practices pursuant to article eleven of the environmental conservation law.

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

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

§ 3. Section 265.00 of the penal law is amended by adding a new subdivision 31 to read as follows:

31. "New York state 4-H certified shooting instructor" means a certified shooting sports instructor of the National 4-H Shooting Sports, a non-profit organization, engaged in shooting education and youth development programming that is administered by the National Institute of Food and Agriculture of the United States department of agriculture.

§ 4. This act shall take effect immediately.