

STATE OF NEW YORK

6401--B

Cal. No. 370

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 -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

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]~~ c of subdivision ~~[six]~~ three of section 11-0713 of
13 the environmental conservation law as its agent in the giving of
14 instruction and the making of certifications of qualification in respon-
15 sible hunting practices; or (d) a New York state 4-H certified shooting
16 sports 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

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

LBD13021-07-0

1 and paragraphs 7-c and 7-d as added by chapter 651 of the laws of 1996,
2 are amended to read as follows:

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

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

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

1 relations, issued or honored by the department of environmental conser-
2 vation.

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

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

10 § 4. This act shall take effect immediately.