

STATE OF NEW YORK

7414

2021-2022 Regular Sessions

IN ASSEMBLY

May 7, 2021

Introduced by M. of A. SILLITTI -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of criminal possession of a weapon in a polling place

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

1 Section 1. Subdivision 6 of section 400.00 of the penal law, as
2 amended by chapter 104 of the laws of 2019, is amended to read as
3 follows:

4 6. License: validity. Any license issued pursuant to this section
5 shall be valid notwithstanding the provisions of any local law or ordi-
6 nance. No license shall be transferable to any other person or prem-
7 ises. A license to carry or possess a pistol or revolver, not otherwise
8 limited as to place or time of possession, shall be effective throughout
9 the state, except that the same shall not be valid within the city of
10 New York unless a special permit granting validity is issued by the
11 police commissioner of that city. A license issued under this section
12 does not authorize any person to carry a pistol or revolver into any
13 polling place on the day of an election or while early voting is in
14 progress. Such license to carry or possess shall be valid within the
15 city of New York in the absence of a permit issued by the police commis-
16 sioner of that city, provided that (a) the firearms covered by such
17 license have been purchased from a licensed dealer within the city of
18 New York and are being transported out of said city forthwith and imme-
19 diately from said dealer by the licensee in a locked container during a
20 continuous and uninterrupted trip; or provided that (b) the firearms
21 covered by such license are being transported by the licensee in a
22 locked container and the trip through the city of New York is continuous
23 and uninterrupted; or provided that (c) the firearms covered by such
24 license are carried by armored car security guards transporting money or
25 other valuables, in, to, or from motor vehicles commonly known as

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

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1 armored cars, during the course of their employment; or provided that
2 (d) the licensee is a retired police officer as police officer is
3 defined pursuant to subdivision thirty-four of section 1.20 of the crim-
4 inal procedure law or a retired federal law enforcement officer, as
5 defined in section 2.15 of the criminal procedure law, who has been
6 issued a license by an authorized licensing officer as defined in subdi-
7 vision ten of section 265.00 of this chapter; provided, further, howev-
8 er, that if such license was not issued in the city of New York it must
9 be marked "Retired Police Officer" or "Retired Federal Law Enforcement
10 Officer", as the case may be, and, in the case of a retired officer the
11 license shall be deemed to permit only police or federal law enforcement
12 regulations weapons; or provided that (e) the licensee is a peace offi-
13 cer described in subdivision four of section 2.10 of the criminal proce-
14 dure law and the license, if issued by other than the city of New York,
15 is marked "New York State Tax Department Peace Officer" and in such case
16 the exemption shall apply only to the firearm issued to such licensee by
17 the department of taxation and finance. A license as gunsmith or dealer
18 in firearms shall not be valid outside the city or county, as the case
19 may be, where issued. Notwithstanding any inconsistent provision of
20 state or local law or rule or regulation, the premises limitation set
21 forth in any license to have and possess a pistol or revolver in the
22 licensee's dwelling or place of business pursuant to paragraph (a) or
23 (b) of subdivision two of this section shall not prevent the transport
24 of such pistol or revolver directly to or from (i) another dwelling or
25 place of business of the licensee where the licensee is authorized to
26 have and possess such pistol or revolver, (ii) an indoor or outdoor
27 shooting range that is authorized by law to operate as such, (iii) a
28 shooting competition at which the licensee may possess such pistol or
29 revolver consistent with the provisions of subdivision a of section
30 265.20 of this chapter or consistent with the law applicable at the
31 place of such competition, or (iv) any other location where the licensee
32 is lawfully authorized to have and possess such pistol or revolver;
33 provided however, that during such transport to or from a location spec-
34 ified in clauses (i) through (iv) of this paragraph, the pistol or
35 revolver shall be unloaded and carried in a locked container, and the
36 ammunition therefor shall be carried separately; provided further,
37 however, that a license to have and possess a pistol or revolver in the
38 licensee's dwelling or place of business pursuant to paragraph (a) or
39 (b) of subdivision two of this section that is issued by a licensing
40 officer other than the police commissioner of the city of New York shall
41 not authorize transport of a pistol or revolver into the city of New
42 York in the absence of written authorization to do so by the police
43 commissioner of that city. The term "locked container" shall not include
44 the glove compartment or console of a vehicle.

45 § 2. The penal law is amended by adding a new section 265.01-d to read
46 as follows:

47 § 265.02-d Criminal possession of a weapon at a polling place.

48 A person is guilty of criminal possession of a weapon at a polling
49 place when he or she knowingly has in his or her possession a rifle,
50 shotgun, or firearm in or within one hundred feet of a polling place on
51 the day of a primary, special or general election or while early voting
52 is in progress. Nothing in this section shall apply to a police officer
53 in the performance of his or her duties.

54 Criminal possession of a weapon at a polling place is a class E felo-
55 ny.

56 § 3. This act shall take effect immediately.