

# STATE OF NEW YORK

9943

## IN ASSEMBLY

April 19, 2022

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

AN ACT to amend the penal law, in relation to the possession of a rifle, shotgun, or other long gun by a person convicted of a felony or serious offense; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Subdivisions 3 and 4 of section 265.01 of the penal law are  
2 REPEALED.

3 § 2. Subdivision 10 of section 265.02 of the penal law, as added by  
4 chapter 1 of the laws of 2013, is amended and a new subdivision 11 is  
5 added to read as follows:

6 (10) Such person possesses an unloaded firearm and also commits any  
7 violent felony offense as defined in subdivision one of section 70.02 of  
8 this chapter as part of the same criminal transaction[-]; or

9 (11) Such person possesses a rifle, shotgun, antique firearm, black  
10 powder rifle, black powder shotgun, or any muzzle-loading firearm, and  
11 has been convicted of a felony or serious offense.

12 § 3. Subdivision 3 of section 265.03 of the penal law, as amended by  
13 chapter 745 of the laws of 2006, is amended and a new subdivision 4 is  
14 added to read as follows:

15 (3) such person possesses any loaded firearm. Such possession shall  
16 not, except as provided in subdivision one or seven of section 265.02 of  
17 this article, constitute a violation of this subdivision if such  
18 possession takes place in such person's home or place of business[-]; or

19 (4) such person possesses a loaded rifle, shotgun, antique firearm,  
20 black powder rifle, black powder shotgun, or any muzzle-loading firearm,  
21 and has been convicted of a felony or serious offense.

22 § 4. Paragraph 5 of subdivision a of section 265.20 of the penal law,  
23 as amended by chapter 235 of laws of 2007, is amended to read as  
24 follows:

25 5. Possession of a rifle or shotgun by a person other than a person  
26 who has been convicted of a class A-I felony or a violent felony

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

LBD15304-01-2

1 offense, as defined in subdivision one of section 70.02 of this chapter,  
2 who has been convicted as specified in [~~subdivision four of section~~  
3 ~~265.01~~] subdivision eleven of section 265.02 and subdivision four of  
4 section 265.03 of this article to whom a certificate of good conduct has  
5 been issued pursuant to section seven hundred three-b of the correction  
6 law.

7 § 5. This act shall take effect on the thirtieth day after it shall  
8 have become a law.