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:

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 Subdivisions 3 and 4 of section 265.01 of the penal law are REPEALED.

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

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

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

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

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

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

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

5. Possession of a rifle or shotgun by a person other than a person 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.

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

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