STATE OF NEW YORK

S. 8173 A. 9041

SENATE - ASSEMBLY

January 31, 2022

IN SENATE -- Introduced by Sen. THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

IN ASSEMBLY -- 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 criminal sale of firearms

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

Section 1. Sections 265.12 and 265.13 of the penal law, as amended by chapter 764 of the laws of 2005, are amended to read as follows:

§ 265.12 Criminal sale of a firearm in the second degree.

A person is guilty of criminal sale of a firearm in the second degree when such person:

(1) unlawfully sells, exchanges, gives or disposes of to another five or more firearms; or

(2) unlawfully sells, exchanges, gives or disposes of to another person or persons a total of [~~five~~] two or more firearms in a period of not more than one year.

Criminal sale of a firearm in the second degree is a class C felony.

§ 265.13 Criminal sale of a firearm in the first degree.

A person is guilty of criminal sale of a firearm in the first degree when such person:

(1) unlawfully sells, exchanges, gives or disposes of to another ten or more firearms; or

(2) unlawfully sells, exchanges, gives or disposes of to another person or persons a total of [~~ten~~] three or more firearms in a period of not more than one year.

Criminal sale of a firearm in the first degree is a class B felony.

§ 2. Subdivision 6 of section 265.15 of the penal law, as added by chapter 233 of the laws of 1980, is amended to read as follows:

6. The possession of [~~five~~] three or more firearms by any person is presumptive evidence that such person possessed the firearms with the intent to sell same.

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

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

LBD14469-01-2