STATE OF NEW YORK

10626

IN ASSEMBLY

July 6, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Paulin) -- read once and referred to the Committee on Codes

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

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

Section 1. The penal law is amended by adding a new section 265.01-d to read as follows:

§ 265.01-d Criminal possession of a weapon in a sensitive place.

A person is guilty of criminal possession of a weapon in a sensitive place when he or she knowingly has in his or her possession a rifle, shotgun, or firearm in or upon:

1. any place which is licensed by the state liquor authority to sell alcohol for on-premises consumption;

2. any public transportation and public transportation facilities, including buses, subways, trains, terminals, stations, or places where one can board or obtain such transportation;

3. a taxicab as defined in section one hundred forty-eight-a of the vehicle and traffic law, livery as defined in section one hundred twenty-one-e of the vehicle and traffic law, or transportation network company vehicle as defined in section sixteen hundred ninety-one of the vehicle and traffic law;

4. polling places while an election is being conducted, including any periods of early voting;

5. a child day care as defined in section three hundred ninety of the social services law and any program in a facility, other than a residence, in which care is provided to children on a regular basis and is not required to be licensed by or registered with the office of children and family services or licensed by the city of New York, including but not limited to nursery schools, preschool programs, or other programs which provide services for three or less hours per day;

6. a hospital as defined in subdivision one of section twenty-eight hundred one of the public health law, a nursing home as defined in subdivision two of section twenty-eight hundred one of the public health

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

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law, or an assisted living residence as defined in subdivision one of section forty-six hundred fifty-one of the public health law;

7. any facility of the department of mental hygiene, or any residential facility which has an operating certificate issued by the department;

8. any public gathering held pursuant to a license or permit issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted;

9. any building owned or leased by the state;

10. a gaming facility as defined in subdivision twenty-three of section thirteen hundred one of the racing, pari-mutuel wagering and breeding law;

11. any place of worship;

12. a commercial service airport, which for purposes of this section shall mean a public airport or a public-use airport in the state that, as determined by the United States secretary of transportation, has at least twenty-five hundred passenger boardings each year and is receiving scheduled passenger aircraft service;

13. any place which is licensed for adult-use on-site consumption of cannabis pursuant to section seventy-seven of the cannabis law; or

14. a public library or association library as defined in subdivision two of section two hundred fifty-three of the education law.

Criminal possession of a weapon in a sensitive place is a class E felony.

§ 2. This act shall take effect immediately.