

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 Assem-
bly, do enact as follows:

1 Section 1. The penal law is amended by adding a new section 265.01-d
2 to read as follows:
3 § 265.01-d Criminal possession of a weapon in a sensitive place.
4 A person is guilty of criminal possession of a weapon in a sensitive
5 place when he or she knowingly has in his or her possession a rifle,
6 shotgun, or firearm in or upon:
7 1. any place which is licensed by the state liquor authority to sell
8 alcohol for on-premises consumption;
9 2. any public transportation and public transportation facilities,
10 including buses, subways, trains, terminals, stations, or places where
11 one can board or obtain such transportation;
12 3. a taxicab as defined in section one hundred forty-eight-a of the
13 vehicle and traffic law, livery as defined in section one hundred twen-
14 ty-one-e of the vehicle and traffic law, or transportation network
15 company vehicle as defined in section sixteen hundred ninety-one of the
16 vehicle and traffic law;
17 4. polling places while an election is being conducted, including any
18 periods of early voting;
19 5. a child day care as defined in section three hundred ninety of the
20 social services law and any program in a facility, other than a resi-
21 dence, in which care is provided to children on a regular basis and is
22 not required to be licensed by or registered with the office of children
23 and family services or licensed by the city of New York, including but
24 not limited to nursery schools, preschool programs, or other programs
25 which provide services for three or less hours per day;
26 6. a hospital as defined in subdivision one of section twenty-eight
27 hundred one of the public health law, a nursing home as defined in
28 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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1 law, or an assisted living residence as defined in subdivision one of
2 section forty-six hundred fifty-one of the public health law;

3 7. any facility of the department of mental hygiene, or any residen-
4 tial facility which has an operating certificate issued by the depart-
5 ment;

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

10 9. any building owned or leased by the state;

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

14 11. any place of worship;

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

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

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

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

26 § 2. This act shall take effect immediately.